POLITICAL SCIENCE QUARTERLY

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Book Reviews

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IN COOPERATION WITH COLUMBIA UNIVERSITY'S INSTITUTE ON EAST CENTRAL EUROPE

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From the Editor:

In this issue . . .

MORRIS P. FIORINA examines the nature of divided government in the United States. He argues that divided government is a feature of American political life that has serious implications for the American public policy process.

STEVEN E. SCHIER analyzes the mind sets of members of Congress that perpetuate large budget deficits. He concludes that due to the persistent program orientation of national lawmakers, only politically risky presidential leadership can forge a solution to the deficit problem.

DONA COOPER HAMILTON and CHARLES V. HAMILTON examine some major social welfare policies that have concerned black organizations since the New Deal. They show that the organizations, contrary to popular analyses, have always pursued two agendas: to overcome racial segregation and discrimination but also to secure universal social welfare policies.

MICHAEL H. HUNT draws on a substantial body of recently published Chinese materials to offer a fresh look at China's intervention in the Korean War. The new findings contribute to a more complete view of the Korean crisis while raising questions about crises in general.

JEFFREY D. HOCKETT examines the judicial philosophies of two of America's great jurists, Felix Frankfurter and Hugo Black. He challenges the view that Frankfurter's progressive faith in expertise extended to the judiciary and disputes the argument that Black's jurisprudence was based upon a fundamental distrust of judicial discretion.

EDWARD J. LAURANCE describes the illegal trade of conventional armaments. He analyzes the types of weapon systems, participants, and methods that emerged in the 1980's, as well as the effects on U.S. national security and the implications for national and international control.

DEMETRIOS CARALEY

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An Era of Divided Government

MORRIS P. FIORINA

For the past twenty-five years articles in journals like this one have addressed the prospect of electoral realignment. No more. Realignment—at least as classically conceived—appears to be a dead concept. Since 1964 we have waited for the realignment; and each time the academic consensus has announced, "No, that wasn't it." But, classical realignment or not, American politics have been transformed in the past quarter century. In particular, we seem to have settled into a persistent pattern of divided government. Republican standard-bearer George Bush won an easy victory in 1988, carrying forty states with 54 percent of the popular vote. At the same time, Democratic candidates took 260 of the 435 seats in the House of Representatives, and won 18 of the 33 Senate races, leaving that body too under Democratic control. This split outcome surprised no one; three of the precious eight presidential elections (1956, 1968, 1972) produced the same split, and two more (1980, 1984) placed the presidency and Senate at odds with the House of Representatives. Of the past nine presidential elections, only three (1960, 1964, 1976) have given one party control of the presidency and both Houses of Congress. Should George Bush serve two terms and Democratic control of the House continue, American undergraduates in 1996 will not remember any period of unified government—even the Carter interlude will be lost in the mists of early childhood memory.

Given the unmistakable signals provided by reality, political scientists finally are coming to view divided government less as an aberration and more as a given in contemporary American politics. Why do we have divided government, and what are its consequences? This article addresses those questions, although the discussion can only be suggestive given the current state of research. I will begin

MORRIS P. FIORINA is a professor of government at Harvard University. He is the author of *Congress: Keystone of the Washington Establishment* and co-author of *The Personal Vote*, which was awarded the Richard F. Fenno, Jr. prize of the American Political Science Association.

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TABLE 1

Control of National Institutions, 1832–1992 (number of elections)

	Unified	*Divided*
1832–1990	49	30
1832–1900	20	14
1900–1952	22	4
1952–1992	7	13

Source: Tabulated from *Members of Congress Since 1789* (Washington DC; Congressional Quarterly Inc. 1985), 182–3.

by placing the contemporary period in historical context, then proceed to a survey of the explanations offered for the contemporary condition, and conclude with questions about its likely consequences.

Historical Perspective

From the Founding through the 1820s presidents emerged from the congressional caucus, more or less precluding a divided government. Since the renomination of Andrew Jackson by popular convention in 1832, American elections have created or continued a condition of divided government for 60 of 158 years, about 40 percent of the country's history (see Table 1). The contemporary era (1952–90) stands out, with a clear majority (13/20) of presidential and mid-term elections producing divided governments, but there are other periods that are unique in their own ways. Consider the period encompassing the first half of the twentieth century. In those fifty-two years, twenty-two of twenty-six national elections resulted in *unified* control, something not matched either before or after. There is some irony here in that historical accounts contrast the highly organized nineteenth century parties and their fiercely partisan members with the less organized and militant parties of this century.[1] According to the literature the regional realignment of the 1890s, the Progressive onslaught, and the rapid social and economic transformation of the country all combined to weaken the parties' capacity to structure the electoral process—to control nominations, to deliver the vote, and to organize office-holders. All of this suggests a monotonic decline in party influence in American politics. On the other hand, a macrolevel indicator of the parties' ability to structure American politics—unified control—shows the opposite movement. Split-ticket voting may have risen at the turn of the century, but divided control did not.[2] Rather, the Republicans dominated the first quarter of the century (with a Wilsonian interregnum), while the second

[1] Michael E. McGerr, *The Decline of Popular Politics* (New York: Oxford University Press, 1986).

[2] Jerrold Rusk, "The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876–1908," *American Political Science Review* 64 (December 1970): 1220–1238.

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TABLE 2

Major Periods of Divided Government

	Unified	*Divided*
1840–1860	4*	6
1874–1896	3	8
1952–1992	7	13
Three period total	14	27
All other	35	4

* Number of elections.
Source: See Table 1.

quarter saw the Democrats dominate. In neither case was there much in the way of divided control. The few elections that divided control were all mid-terms. The administration lost Congress at the conclusion of each of the World Wars. The Republicans lost the House in 1910 and in 1930. All in all, the contemporary period is more of a departure from the earlier twentieth century pattern than it is from American history in general.

A closer look at the historical record sheds additional light on the present era. Divided government tends to occur in those times identified by political historians as periods of strain (Table 2). All of the divided government that occurred in the nineteenth century occurred in the periods 1840–60 and 1874–96. In the first period abolitionism and nativism cross-cut the parties. The period ends with the elections of 1860, which brought unified Republican control and civil war. In turn, fourteen years of unified Republican control came to an end when the Southern Democrats returned to Congress in 1874. The next two decades rank with the contemporary period in terms of divided control. The rapid pace of economic development thrust what had heretofore been local issues into state and national arenas, and the parties' mass bases were rent by ethno-cultural divisions.[3] What has been called the "period of no decision" came to an end only with the depression and sectional realignment of the 1890s and the rise of industrial Republican supremacy.

Seen against this background, the contemporary era appears less exceptional. Race, the Vietnam war, and then the complex known as the social issue buffeted the New Deal party system much as slavery, industrialization, and wars buffeted its predecessors, with similar results for control of national institutions. There is one respect, however, in which the contemporary period truly is unique. In the present era divided control has been as likely to accompany presidential elections as mid-terms: six of one and seven of the other led to split control (Table 3). In previous eras, however, divided control virtually always was the result of a mid-term loss of unified control achieved in the preceding presidential election.

[3] Paul Kleppner, *The Third Electoral System, 1853–1892: Parties, Voters and Political Cultures* (Chapel Hill: University of North Carolina Press, 1979).

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TABLE 3

Divided Government by Type of Election

	Presidential	*Mid-Term*
1832–1992	9	22
1832–1900	3	11
1900–1952	0	4
1840–1860	1	5
1874–1896	2	6
1952–1992	6	7
Other	0	4

Source: See Table 1 and Table 2.

Between 1832 and 1952 only three of eighteen elections that resulted in divided government were in presidential years, and each is somehow special. The 1848 election was a three-way race in which former Democratic President Van Buren ran on the Free Soil ticket, throwing the presidency to the Whigs. In 1876 the Democrats carried the House and won the *popular* vote for president (Tilden was eventually counted out in the Electoral Commission), but failed to carry enough of the contested Senate seats to gain control. And in 1884 the partially insulated Senate again held out against the victorious Democrats. Before Eisenhower's reelection in 1956 winners of two-way presidential races *always* carried the House, and only in 1884 did one fail to carry the Senate.

Thus, explanations of divided government in the nineteenth century must focus on asymmetric defection and turnout in mid-term elections, whereas explanations of divided government in the contemporary period must also focus on split-ticket voting. Only in 1954 did a mid-term begin a period of divided government. All other mid-terms in the current era only continued a pattern of divided government established at the previous presidential election.

There is one further comparison that sheds perspective on the contemporary era of divided government. Discussions of divided government invariably focus on the three national elective institutions, but the American states also have experienced a rise in divided control. Three-quarters of all Americans now live in divided government states. The 1988 elections left only twenty unified states, the historical low point in a general downward trend (Figure 1). As I will argue below, given that most proposed explanations of divided government are based on the national experience, parallel trends in the states suggest that such arguments are incomplete.

Explanations

One of the most commonly offered explanations of divided national government is the first one that should be dismissed: gerrymandering. Some Republican

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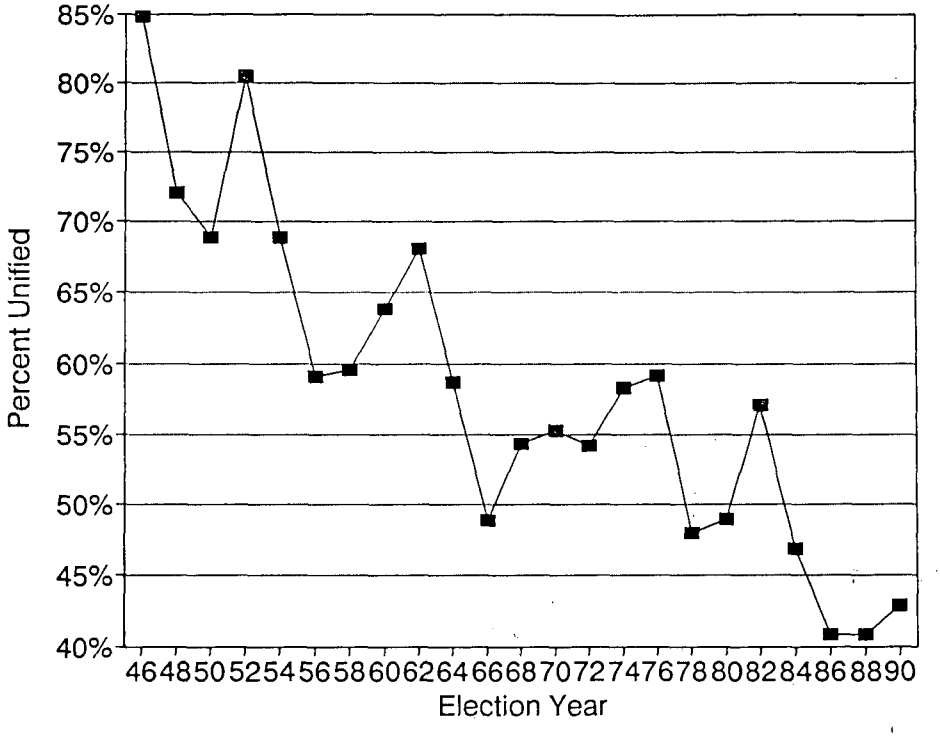
FIGURE 1

Unified States: 1946–90



politicos believe that they are being cheated out of their fair share of House seats by districting plans that favor Democrats. This explanation deserves as much consideration as some Democratic apologists' explanation for their continued string of presidential defeats: their candidates do not have as much personality as the Republican candidates. Several academic studies have carefully considered the effects of districting and have concluded that the net effects are slight; what Democrats steal in some states, Republicans usually manage to steal back in others.[4] Rather, the problem the Republicans have in House elections is simply that they do not get as many votes as the Democrats. Not since 1952 has the Republican total exceeded the Democratic total. Still, Republicans complain that even when they come close, as in 1984, they do not carry a proportional number of seats. That is true, but their complaint is with the normal operation of the single-member first-past-the-post electoral system, not with devilishly clever Democratic gerrymanderers.

The large gap between the Republican presidential and congressional votes

[4] Thomas Mann, "Is the House of Representatives Unresponsive to Political Change?" in A. James Reichley, ed., *Elections American Style* (Washington, DC: Brookings Institution, 1987).

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TABLE 4

Congressional Districts Carried by House and Presidential Candidates of Different Parties

Year	*Per cent*
1900	3
1908	7
1916	11
1924	12
1932	14
1940	15
1948	21
1952	19
1956	30
1960	26
1964	33
1968	32
1972	44
1976	29
1980	34
1984	44
1988	34

Source: Ornstein, *et al.* (1987), Table 2.14: 1988 figures from *Congressional Quarterly Weekly Report*, 8 July 1989, 1711.

obviously means that large numbers of voters are splitting their tickets. In the aggregate the trend is striking. At the beginning of the century it was exceedingly rare for a congressional district to give split majorities to presidential and congressional contenders, but in recent years 40 percent of all districts have reported such split outcomes (Table 4). For the contemporary period we can probe beneath such aggregate results to determine the rates of individual ticket-splitting. Between the 1950s and 1970s ticket-splitting almost doubled from 15 percent or less of the electorate to 25 percent or more. The largest jump occurred between 1964 and 1972, the so-called "time of troubles," with no apparent increase since then (Figure 2).

In a period of party decomposition, it is not surprising that ticket-splitting should increase.[5] The weakening of party bonds makes voters more likely to respond to attractive candidates and issues of the other party. But contemporary ticket-splitting has followed a pattern that must be accounted for by a complete explanation of the behavior: the observed ticket-splitting favors Republican executives and Democratic legislators by a noticeable margin over Democratic executives and Republican legislators (Table 5). This pattern obviously is most pronounced in the Republican reelection landslides of 1956, 1972, and 1984, and until

[5] Walter Dean Burnham, "The Changing Shape of the American Political Universe," *American Political Science Review* 59 (March 1965): 7–28.

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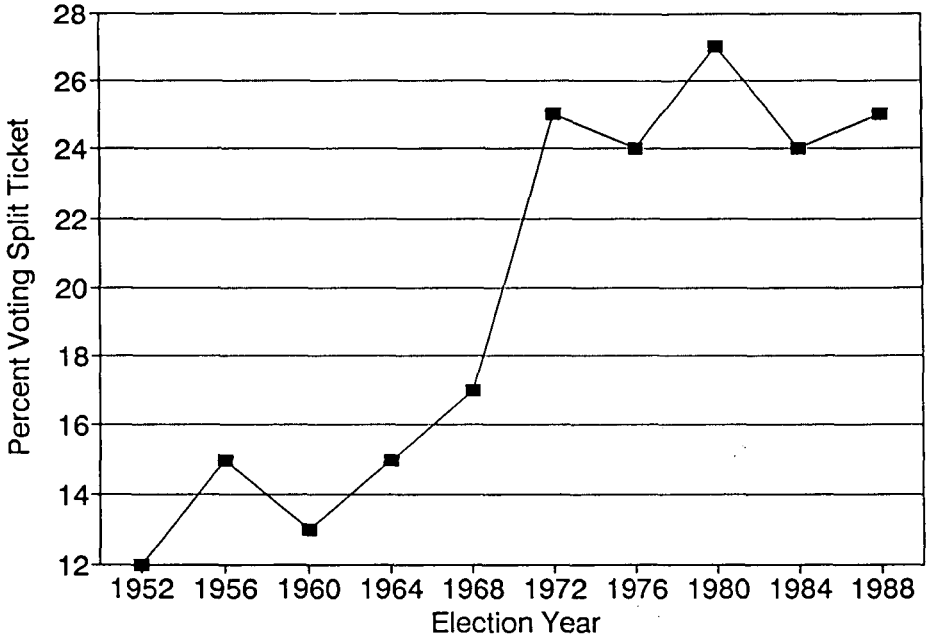
FIGURE 2

House—President ticket-splitting



1972 the weakness of two-party competition in the South artificially enhanced the national pattern. But the pattern is a relatively consistent feature of national elections in the contemporary era. Thus, any convincing explanation for divided national government must explain first why split-ticket voting increased sharply between the mid-1960s and mid-1970s, and secondly why the split favors Republican presidents and Democratic representatives. Several explanations have been offered.

Incumbency

Shortly after the 1984 elections columnist William Schneider wrote in *The New Republic*:

> It was incumbency that saved the Democratic Party from ruin. If the government had passed a decree prohibiting incumbents from running for re-election, the Republican Party would probably have gained control of both Houses of Congress and a substantial number of statehouses.[6]

Certainly, the House incumbency advantage is the first explanation that political scientists would offer for the current condition of divided national control. There

[6] William Schneider "Half A Realignment," *The New Republic*, December 1984, 20.

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TABLE 5

Patterns of President–House Ticket Splitting (percent)

Year	Whole Country		Non-South	
	D. President R. House	R. President D. House	D. President R. House	R. President D. House
1952	2	10	3	5
1956	2	14	3	11
1960	4	10	6	7
1964	9	6	10	5
1968*	7	11	7	9
1972	5	25	5	20
1976	9	15	10	13
1980*	9	18	10	16
1984	6	18	5	17
1988	7	18	7	16

* Excludes Wallace/Anderson voters.

Source: American National Election Studies.

is a huge literature on incumbency, far too much to review here. Suffice it to note that incumbents have a variety of advantages that enable them to deter strong challenges in the first instance, and to beat them back (usually) when deterrence fails. With the growth of the welfare state, the traditional ombudsman role of the member has expanded, allowing them to construct a "personal vote" that transcends partisan and ideological considerations.[7] Incumbents raise great sums of campaign money from PACs and other interested parties, while challengers go begging.[8] And members have taxpayer-provided staff, office and other resources that have a market value of as much as a million dollars per year. Some incumbents do lose, of course, but the losses have become more idiosyncratic—less tied to swings in the national vote.[9] And, a final critical piece of the argument, a notable increase in the advantage of incumbency occurred in the late 1960s.[10] The increased incumbency advantage in House elections fits very nicely with the timing of the increase in split-ticket voting.

How does incumbency explain the *pattern* of ticket-splitting? This is less clear. Simple luck may be part of the answer. The Democrats were the House majority in the mid-1960s when the electorate's party affiliations began to weaken, when the role of government expanded, and when new technologies (in polling, direct

[7] Morris P. Fiorina, *Congress: Keystone of the Washington Establishment* (New Haven: Yale University Press, 1989).

[8] Gary Jacobson, *The Politics of Congressional Elections* (Boston: Little, Brown, 1987).

[9] Gary Jacobson, "The Marginals Never Vanished," *American Journal of Political Science* 31 (February 1987): 126–141.

[10] Robert S. Erikson, "Malapportionment, Gerrymandering, and Party Fortunes in Congressional Elections," *American Political Science Review* 66 (December 1972): 1234–1245.

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mail, computerization) began to affect congressional elections. So, even if both parties were equally likely to adapt to the new opportunities, there were more Democrats to make the adaptation than Republicans. This argument carries the counter-factual implication that if the Republicans had managed to capture the House in 1966–68, we would now be seeing either unified Republican governments or a pattern of Democratic presidents and Republican Congresses.

This counter-factual argument strikes most observers as dubious, suggesting that something more is needed to complete the explanation. It has been suggested that the pro-government philosophy of Democrats makes it easier for them than for Republicans to adopt the new style of politics. Believing in a minimal government role and opposing the existence of many government programs, Republicans may be personally unwilling to perform the kind of constituency service that is a major component of the incumbency advantage. And they may be less likely to seek to expand government for the benefit of their districts. In short, Democratic ideology fits the congressional times better than Republican.[11] Against this argument stands research showing that Republican incumbents have no less of an electoral advantage than Democrats.

So, while some of the links in the argument are not yet adequately researched, the incumbency-based argument offers a plausible explanation for the current condition of divided control. Divided government is largely an accident. On the basis of performance and issues the contemporary electorate favors Republican presidential candidates. But House elections are affected less by national conditions and issues, and more by the personal qualities and activities of the candidates. That, coupled with some historical inertia produces Democratic Houses.

Still, even the most diligent students of incumbency doubt that it can carry the full explanatory load for divided government. Gary Jacobson states flatly that:

> *the incumbency explanation is incomplete and insufficient. It cannot explain why* Democrats once again control the Senate (or how they lost it in the first place). It cannot explain why a larger proportion of Republican representatives (4.7 percent) than Democratic representatives (3.7 percent) have been defeated in the last five general elections. And it cannot explain why Republicans have not won more open seats.[12]

Jacobson reports that since 1968 all but 28 seats in the 435 member House of Representatives have come open. But during these two decades of Republican presidential dominance the Republicans have made a net gain of exactly two seats. The Democrats have the same 60:40 edge today that they had in 1968. A little algebra highlights the implications of this fact for incumbency explanations of divided government.

Let d and r be the respective probabilities that the Democrats and Republicans

[11] Alan Ehrenhalt, "Why a Pay Rise Would Be Good for the GOP," *Congressional Quarterly Weekly Report* 31 (1973): 3175.

[12] Gary Jacobson, "Congress: A Singular Continuity" in Michael Nelson, ed., *The Elections of 1988* (Washington, DC: Congressional Quarterly Press, 1989).

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retain an open seat they currently hold, where both d and r are greater than 0.5 (an empirical fact). For a 60:40 split to be preserved after all the seats are put at risk, the following must hold:

$$\frac{60}{40} = \frac{60d + 40(1-r)}{40r + 60(1-d)}$$

Solving, $r = (1.5d - 0.5)$, which implies that $d > r$. *In order to preserve their initial advantage the Democrats must have a higher probability of retaining an open seat than the Republicans.* In fact, Jacobson's tabulations show that between 1968 and 1988 the Democratic probability of holding an open seat was about 0.8, while the Republican probability was only 0.72.[13] If the Republicans had achieved parity except for incumbency, they would have narrowed the gap in the House. *That they have not indicates that some other pro-Democratic force(s) is at work.*

There is a further reason to doubt the sufficiency of the incumbency explanation for divided government, but it will be more convenient to introduce it by way of commenting on a second category of explanation.

America Is Fundamentally A Democratic Country

Casual discussions of divided government implicitly treat the House of Representatives as the deviant body on which explanation should focus. The Republicans win the presidency with ease and they have captured the Senate in two recent elections, but the House is beyond their reach. An alternative perspective suggests that we treat the presidency as the deviant body. After all, the *only* arena in which the Democrats consistently do poorly is the presidential one. In election after election Democrats not only capture the House, but also win two-thirds of the governorships, two-thirds of the state legislatures, the overwhelming number of mayor's races in large cities, and so forth. Thus, the question should not be why Democrats do so well in the House; the question should be why they do so poorly in the presidential races. And here an obvious answer is available.

In the mid-1960s a new issue complex intruded on national politics. Race, drugs, nontraditional sexual practices, prayer in schools, abortion, and other matters shouldered aside more traditional New Deal issues as the motive force underlying the choices of a significant portion of the electorate. From a purely electoral standpoint, the Democrats have always been on the wrong side of such issues.[14] Thus, optimal Democratic strategy calls for downplaying such issues in favor of less internally divisive ones. But the open presidential nomination process allows controversial constituency groups such as blacks, feminists, and gays

[13] Gary Jacobson, *The Electoral Origins of Divided Government: Competition in U.S. House Elections* (Boulder, CO: Westview Press, 1990).

[14] Richard Scammon and Benjamin Wattenberg, *The Real Majority* (New York: Coward, McCann and Geohegan, 1970).

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to achieve high visibility and keep their issues in the spotlight. Add a pinch of bigotry, stir in some diabolical Republican media wizards, and bring to a boil. Presto, we get Republican presidents as white southerners and blue-collar workers defect rather than support the agenda of the newer Democratic constituencies.

Meanwhile, in the quieter backwaters of the states and congressional districts Democratic candidates run on more traditional issues and go their separate ways on the social issues. San Francisco Democrats adopt one stance; Cleveland Democrats adopt a different one. By matching Republicans on the new "gut" issues, Democrats can pull ahead on the basis of their traditional image as the party of ordinary working Americans.

This explanation has great intuitive appeal, and to some extent it certainly must be operating. But like the incumbency explanation, there is reason to doubt its sufficiency. Questions arise when one looks closely at one of its premises: that the country is heavily Democratic below the presidential level. Yes, the Democrats win almost two-thirds of the state level races. This creates a natural impression that they control a comparable proportion of the states.[15] But as previously noted, 75 percent of the American population lives in divided government states. How is the latter figure consonant with the image of Democratic dominance? The answer is that it is not. Rather than simple Democratic dominance at the state level one finds a complex, even baffling pattern of outcomes.

Table 6A summarizes the pattern of state outcomes for the past three election cycles. It should be noted that thirty-eight states elect their governors in the off years. Thus the preliminary examination tallies with state government patterns as they existed in 1978, 1982, and 1986. In total the Democrats won the governorship in somewhat more than 60 percent of the cases. In the legislatures they are even stronger: they hold both houses in two-thirds of the states, and at least one house in more than three-quarters. Amazingly, however, there is *no* relationship between their success in the two arenas. As shown in Table 6B, if gubernatorial and legislative success were *totally* independent, the Democrats would have unified control in two-fifths of the states and the Republicans in one-tenth. That is exactly what we see: the pattern of observed governmental patterns is virtually identical to that expected under complete independence. In recent years, knowing which party controls the state legislature tells us precisely nothing about which one controls the governorship.

This is not the place to probe deeply beneath this puzzling finding, but preliminary explorations have turned up further interesting questions. With only half the states divided, but three-quarters of the population living in divided states, divided government must be more common in the more populous states. Once again the pattern is actually a bit more differentiated. *Republican-headed* divided states – consistently the majority – tend to include more populous states – Texas,

[15] John E. Chubb and Paul E. Peterson, *The New Direction in American Politics* (Washington, DC: Brookings Institution, 1985), 2.

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TABLE 6A

*Gubernatorial and Legislative Victories, 1978, 1982 and 1986**

	Number	*Proportion*
Governors		
Democratic	90	0.62
Republican	56	0.38
Legislatures		
Democratic	93	0.64
Republican	33	0.22
Split	21	0.14

TABLE 6B

Patterns of State Government Control

	Number	*Proportion*	*Expected Proportion*
Unified Democratic	58	0.40	0.40
Unified Republican	14	0.10	0.08
Divided: Democratic Governor	32	0.22	0.22
Divided: Republican Governor	42	0.29	0.30

* Most Gubernatorial elections occur in mid-term years.
Source: Calculated from Statistical Abstract of the United States.

California, Illinois, and Missouri, for example. In contrast, the smaller number of *Democratic-headed* divided states tends to be among the less populous—Kansas, Idaho and Utah, for example. The case of Utah is especially intriguing. On the presidential level this state is so Republican that Democratic candidates barely bother to put in an appearance. The state sends two conservative Republicans, Jake Garn and Orrin Hatch, to the Senate. Republicans typically hold a comfortable majority in the state legislature. And between 1964 and 1980 the Democrats won the governor's race five consecutive times.

In sum, outcomes in the American states are far more complicated than a simple "Democratic dominance" argument presumes. Moreover, returning to an earlier argument, it is far from clear that one could generalize an incumbency explanation to cover the state outcomes. What the state outcomes tell us is that divided government in the United States is not simply a president-House phenomenon; it is something more systemic, and probably requires a more general explanation. As might be expected divided control at one governmental level is corre-

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lated with divided control at another: in 1988 23 percent of all congressional districts in unified government states turned in split president-House results, as compared to 45 percent in divided states.

Purposeful Explanations

Popular treatments of divided control tend to emphasize the more-or-less conscious intent of the electorate. In recent years various polls have shown that majorities of voters favor divided control over unified control under either party. For example, an ABC News/*Wall Street Journal* poll taken just after the 1988 election found that voters favored divided control by better than a 5:3 margin. Given the coincidence between such sentiments and electoral outcomes it is understandable that some commentators have advanced the argument that voters deliberately vote to divide control.

Thus Henry Fairlie observed in the *New Republic* on 5 October 1987:

> When the American people split their votes, returning Republican presidents and Democratic congressmen, they know what they are doing. They may be willing to give a new president the chance to show what he can do, but they cling to their protectors in the House as insurance.

In a similar vein, the editor of *Roll Call* (a Capitol Hill weekly) suggested on 30 October 1989 that:

> Voters may be consciously *choosing* divided government. Despite the dire warnings of stalemate, Americans seem to like the idea of having the White House in the hands of one party and the Congress in the hands of the other—as a sort of extra check and balance, even more than the Constitution provides.

And more anecdotally, election night commentary on the national networks in 1988 openly speculated about the intent of the electorate in giving George Bush a Democratic congress.

Journalists are not the only ones to offer purposeful explanations for contemporary conditions. Such explanations have been cautiously advanced and explored by professors as well. Thus far, purposeful explanations come in three varieties according to whether they emphasize policy balancing, complementary strengths and weaknesses, or "a pox on both your houses."

In an earlier article I argued that a simple model of policy balancing by voters generates conclusions that resemble aggregate developments in national elections over the past several decades.[16] In a system with an independent executive, voters have the option of voting for unified control of legislative and executive institutions, or of voting for divided control. In the latter case assume that voters expect

[16] Morris P. Fiorina, "The Reagan Years: Turning toward the Right or Groping toward the Middle?" in Barry Cooper, Allan Kornberg, and William Mishler, eds., *The Resurgence of Conservatism in Anglo-American Democracies* (Durham, NC: Duke University Press, 1988).

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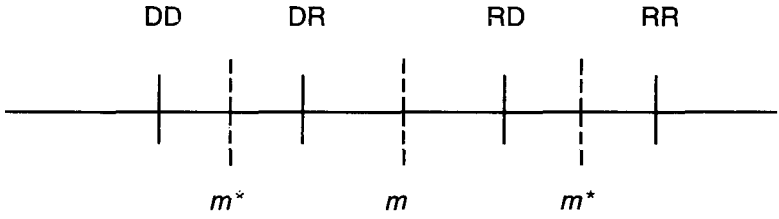
policy to be a weighted average of the positions of the parties that control each institution.

$$\text{Policy} = q(\text{executive party}) + (1 - q)(\text{legislative party})$$

Then with two parties, Democratic and Republican, the voters can choose among four "platforms." DD—unified Democratic control, DR—Democratic president/Republican legislature, RD—Republican president/Democratic legislature, and RR—unified Republican control. In a simple left-right space the four positions will be ordered:



If voters select the platform closest to them, all voters between the midpoints, m^*, will split their tickets, with those to the left of m splitting DR, and those to the right, RD.[17] Notice that when a voter casts a split ticket he or she votes for the presidential candidate of the party nearer him or her and the congressional candidate of the party farther away.[18] This simple model generates a series of hypotheses. Among the most important are three (*ceteris paribus*).

1. Ticket-splitters will be concentrated among those voters whose preferred positions lie between those of the two parties.
2. The more polarized the parties, the greater the incidence of ticket-splitting.
3. The preponderance of the ticket-splitting will be RD rather than DR if more voters are closer to the Republicans on the issues than to the Democrats.

Clearly, the American parties *have* polarized since the 1960s.[19] Voters whose positions lie between the two parties *are* those most likely to split their tickets. And the average voter today does position him or herself between a Democratic party located to the left and a Republican party located to the right, and on most issues, *closer* to the Republicans (Table 7). Thus, a policy-balancing model can explain both the timing of the increase in ticket-splitting and its tendency to favor Republican executives and Democratic legislators. In these and other respects a policy balancing model fits with the broad outlines of electoral behavior.

[17] The location of these cutting points varies with the value of q, which determines the positions DR and RD. The larger is q, the closer DR will be to DD and vice versa.

[18] This is a consequence of the assumption made in the analysis that $q > 0.5$: the executive is more powerful than the legislature in determining the location of the policy.

[19] Warren E. Miller and M. Kent Jennings, *Parties in Transition* (New York: Russell Sage, 1986).

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TABLE 7

*Voter Policy Positions Compared with Perceptions of Party Positions**

	Democratic Position	*Citizen Position*	*Republican Position*
Liberal–Conservative ideology	3.1	4.3	5.1
Government provision of public services	5.3	3.8	2.9
Aid to minorities	3.0	4.2	4.6
U.S. involvement in Central America	4.5	4.5	3.0
Defense spending	3.2	4.0	5.4
Aid to women	3.1	3.9	4.6
Co-operation with U.S.S.R.	3.2	4.1	4.9
Government responsibility for jobs and living standards	3.1	4.4	4.9

* Each of the eight issues in the table is the subject of a seven-point scale. The figures in the first and third columns are the average positions of the two parties as perceived by the respondents; the middle column is the average self-placement of the respondents.

Source: 1984 NES.

Of course, such models are vulnerable to the immediate objection that they overestimate the sophistication of the electorate. For example, skeptics may object that many people do not even know which party controls the House of Representatives, although the ignorance of the electorate in this respect has been exaggerated. In the three 1980 elections more than 80 per cent of all *voters* knew that the Democrats controlled the House prior to the election. Such criticisms are well-taken, but it must be borne in mind that only 25 percent of the electorate engages in ticket-splitting. Moreover, that 25 percent is a slightly unusual section of the electorate—somewhat more educated, interested and attentive, much more politically independent, and somewhat more politically efficacious.[20] In addition, in order for the model to work voters need react only to *general* party images; they need not synthesize the myriad proposals of individual candidates. Finally, voters do not need to know who currently controls the legislature; they need only indicate a preference for the pattern of control they would like.

A second intentional explanation has been advanced by Gary Jacobson.[21] This one builds on the empirical finding that contemporary party images have complementary strengths and weaknesses. Voters view Republicans as the party more

[20] Walter DeVries and V. Lance Tarrance, *The Ticket-Splitter: A New Force in American Politics* (Grand Rapids, MI: Eerdmans, 1972).

[21] Gary Jacobson, "Meager Patrimony: Republican Representation in Congress After Reagan" in Larry Berman, ed., *The Reagan Imprint* (Baltimore: Johns Hopkins University Press, 1989).

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likely to promote a healthy economy; but they view the party as less interested in the common citizen and more concerned with economic special interests. The Democrats on the other hand have the edge when it comes to distributing fairly the gains and losses from economic activities. Thus, voters are cross-pressured. They would like the Republicans to bake the economic pie (and protect it from marauding bears and other dangers), but they would like the Democrats to dish it out. What are they to do?

According to Jacobson, a reasonable answer is to vote for Republican presidents and Democratic members of Congress. The executive is more important for the determination of overall national policy. Moreover, executive institutions and their personnel have a more national orientation than legislative institutions and their personnel. Thus, placing Republicans in the executive combines party and institutional strengths in the service of allocative efficiency. Conversely, the traditional and major role of Congress is distribution. Placing Democratic majorities in the Congress combines party and institutional strengths in the service of distributive justice.

Jacobson provides no direct evidence in support of his argument. Survey evidence indicates that voters view the parties as having different strengths and weaknesses, but whether those voters who have the hypothesized combinations of views are those who split their tickets remains to be shown. In a number of respects, moreover, Jacobson's argument appears to be incomplete. When did the current pattern of popular perceptions develop? Does it correspond to the timing of the increase in ticket-splitting? For another thing the applicability of Jacobson's argument to ticket-splitting at the state level is open to question. Californians being what they are, perhaps it is conceivable that they choose Republican governors because of perceived Republican superiority in macroeconomics and foreign policy, but this argument appears strained as an explanation of Utah voters' choices of Democratic governors.[22] Finally, like Ehrenhalt's hypothesis, Jacobson's argument about the hypothesized better "fit" of Democrats to congressional politics suggests that Democrats in Congress should have a larger incumbency advantage than Republicans. But as mentioned earlier, the best estimates suggest that both parties' candidates are equally advantaged by incumbency.

The third purposeful explanation has not yet been formally advanced by any single author, although elements of it emerge in many arguments in the press and popular commentary. For example, David Nyhan, a columnist for the *Boston Globe*, has written:

> Voters generally pick Democrats for Congress and Republicans for president, in hopes

[22] Within the policy-balancing model there are two explanations for the behavior of Utahans. Democratic executives and Republican legislatures are chosen if either (1) the median voter is between the parties but closer to the Democrats (seems doubtful), or (2) in contrast to the national government, the legislature is regarded as the more powerful of the two institutions ($q < 0.5$).

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> they'll keep each other under control, because greed, self-dealing and under the table grabbing are equal opportunity occupations.[23]

This sentiment recalls the traditional curse: "a pox on both your houses." According to proponents of this third view of voter behavior, ticket-splitting reflects disenchantment with both parties, a disenchantment that has grown into cynicism about getting acceptable government from either party. The disenchantment does not stem primarily from issue stands, but rather stems from the perceived incompetence, corruption, oppressiveness, and/or arrogance of party elites. When they split their tickets, voters are not simply trying to bring about a moderate compromise between two polarized parties, as in the policy-balancing explanation; rather, voters are seeking to create a deadlock where neither party can do anything, and both dissipate their resources and energy fighting with each other. Rather than bring about moderate government, or to combine each party's best, "pox" voters have decided that stalemate is their best hope.

While scholars continually track the mood of the American electorate, it is difficult to identify any study that relates variations in that mood to ticket-splitting. This is unfortunate because a quick pass through the 1980 American National Election Study provides some preliminary indications that the "pox" view bears investigation (Table 8). Voters who do not care which party wins the presidential election, who see no important differences in what the parties stand for, and who believe that the federal government is getting too strong are all about 10 percent more likely to split their tickets than those expressing the opposite sentiments. Voters who are lower on a political trust scale (and some of the component items) are somewhat more likely to split their tickets. Such relationships might only indicate that those on the margins of the political process are more disorganized in their voting, but as the lower panel of the table shows, ticket-splitters are somewhat more attentive to public affairs and express a higher sense of personal efficacy than straight ticket voters. And, as remarked earlier, they are somewhat more educated and politically independent. Not all of the various trust, responsiveness and other "alienation" items show similar relationships, and there are some interesting partisan interactions beneath the simple relationships. But there are enough suggestive relationships here to indicate the need for further research.

Summary

The explanation for the current situation of divided government is now a matter of considerable debate. No well-informed scholar can deny that incumbency explains a large proportion of the current presidential–House division. But it is less clear that a legislative incumbency advantage can explain the state divisions (not to mention the increasing tendency of state electorates to split their two

[23] David Nyhan, "Alluding Marathon," *Boston Globe*, 20 June 1989.

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TABLE 8

President/House Ticket-splitting in Relation to Various Indicators of Alienation and Distrust (percent)

Don't care which party wins presidential election	36
Do care which party wins	25
No important differences in what parties stand for	34
There are important differences	25
Low on political trust	30
Medium	25
High	25
Never trust government to do what's right*	36
Sometimes trust them	28
Mostly trust them	26
Always trust them*	21
Government too strong for good of country	31
Government not too strong	22
Hardly at all pay attention to public affairs	21
Now and then pay attention	21
Some of the time pay attention	35
Most of the time pay attention	26
Low internal political efficacy	23
Higher	29
Higher still	27
Highest	35
Politics too complicated to understand	26
Not too complicated	32

* Less than 25 cases.

Source: 1980 American National Election Study.

Senate seats between the parties). Nor can incumbency arguments account for the asymmetric pattern of divided government – Republican executives/Democratic legislatures – without positing additional considerations that have yet to be demonstrated. For these reasons some scholars have shown a willingness to consider the hypothesis that some portion of the electorate is engaging in purposeful voting. One need not argue that voters are consciously calculating about their actions. It may only be that certain voters become more receptive to arguments for voting for the other party once they have made a decision for president or Congress. Thus balancing arguments should be viewed in "as if" terms. In the large, the electorate behaves as if voters were engaging in a fairly sophisticated trading off of party positions. But viewed individually, few voters show direct evidence of such concerns. The three arguments surveyed identify the kinds of voters who are most likely to end up dividing their votes.

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Consequences

Some commentators believe that the major consequences of divided government are all too obvious. First, split control of national institutions exacerbates problems of coordination and coherence that are inherent in the constitutional fabric. Divided government can make an inefficient form of government unworkable. Secondly, split control obscures the accountability of government officials for policies followed and outcomes realized during their tenure. Responsibility is always problematic in a federal system with weak parties and a separation of powers, but split control can obscure responsibility altogether. Although these two concerns resonate with traditional thinking in American politics, it is apparent that evaluations of divided government have far outrun understanding of its consequences. The consequences of divided government are more controversial than one might at first sight suppose. And no one has addressed the question of whether these consequences, even if bad, are worse than those that would ensue if unified control were somehow achieved in the contemporary American context. Where one stands on that question hinges critically on why one thinks that divided government has become the norm.

Efficiency and Effectiveness

In a thoughtful recent essay James Sundquist reflects on the contemporary condition of divided government.[24] With a system of separated institutions, some elected and some appointed, sharing powers that are intricately blended among them, efficiency has never been a strong point of American democracy. What has made the system workable in the past is the unifying force of political party. The development of a persistent condition of divided government removes the critical coordinating force of party. Institutional rivalries now are buttressed by partisan rivalry and partisan electoral interest. One would like to believe that the Tom Foleys, George Mitchells, and George Bushs sit down after election, and say, "Well, that's over; now let's put our differences aside and do what's best for the country." But we are beyond such elementary school expectations. As Sundquist observes, the congressional majority has no choice but to reject presidential initiatives; to accept them is to acknowledge his competence and sagacity, hence, to support his reelection. Similarly, the president cannot run against Congress in the next election if he admits that congressional initiatives are meritorious. Divided control gives each branch of government an electoral incentive to work for the failure of the branch held by the other.

Thus, it is alleged that problems like the budget and trade deficits fester, foreign policy toward Central America degenerates into bitter partisan stalemate, frustrated presidents go outside normal governmental channels (and the law) in order to achieve their aims, frustrated members of Congress leak secrets and

[24] James L. Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988-89): 613–635.

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conduct destructive investigations in order to achieve theirs, and government degenerates into a snakepit of no-holds barred partisan struggle.[25] The normal obstacles of the separation of powers are reinforced manyfold by split control of the separate institutions. Consequently, governing becomes a matter of posturing for the most part, and when actions must be taken, they tend to reflect the lowest common denominator and satisfy no one. The country suffers as costs mount and opportunities fade because the government is incapable of formulating and implementing coherent policies.

This sounds convincing, but not everyone sees it that way. Though a critic of current constitutional arrangements such as Lloyd Cutler attributes the contemporary budget deficits to divided government, academic research is less certain.[26] And though one analyst such as James Sundquist sees little beyond drift and stalemate, another—David Mayhew—finds nothing in the historical record to suggest that periods of divided government are any less productive than periods of unified control.[27] It might even be argued that periods of divided control are *more* likely to call forth legislation. For example, the expansion of Social Security benefits and coverage was stimulated by the competition between Republican presidents and Democratic Congresses. Similarly, the Clean Air Act of 1970 emerged stronger than anticipated because of the one-upmanship that went on between President Nixon and presidential aspirant, Senator Edmund Muskie, the responsible Democratic committee chair.[28] And though the passage of the 1986 Tax Reform Act is not well understood, part of the explanation seems to be that neither party wished to bear the blame for allowing the legislation to fail. While neither party can accomplish everything it wants to in divided government periods, it seems that the struggle for political credit sometimes makes them as likely to compromise behind some legislation, as to allow the process to stalemate. Moreover one could question whether partisan compromises are inevitably bad. Is it better to have a sharp alternation of policies as when the British Labour Party nationalized the steel industry after the Second World War only to have the Conservative Party promptly denationalize it after coming to power? These are hard questions. Reasonable people will disagree over the answers.

Responsibility

A decade ago I wrote an essay entitled "The Decline of Collective Responsibility in American Politics."[29] Writing in an era that exalted popular participation and

[25] Benjamin Ginsberg and Martin Schefter, *Politics By Other Means* (New York: Basic Books, 1990).

[26] Lloyd Cutler, "Now is the Time for All Good Men," *William and Mary Law Review* 30: 391.

[27] David R. Mayhew, "Does it Make a Difference Whether Party Control of the American National Government is Unified or Disunified?" (Unpublished Manuscript, 1989).

[28] Charles O. Jones, *Clean Air: The Policies and Politics of Pollution Control* (Pittsburgh: University of Pittsburgh Press, 1975).

[29] Morris P. Fiorina, "The Decline of Collective Responsibility in American Politics," *Daedalus* 109 (Summer 1980): 25–45.

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reacting to the sorry performance of the Carter administration—the U.S.'s last episode of unified government—I updated the traditional arguments about the importance of party responsibility in American politics. With the weakening of party affiliations in the electorate and the decline of party organization as a force in campaigns, the ability of party to enforce cohesion in government inevitably had followed. Congress members were reelected on the basis of their individual records and would run no risks to aid a president of their party whose fate would have little or no bearing on theirs. The result was (among other things) an erosion of electoral accountability. Presidents were held accountable for the state of the economy and other aspects of the larger national well-being, but Congress members could generally escape responsibility for the big picture by running on their personal relationships to their districts and their records of particularistic achievements. After all, no one could plausibly charge that one representative of 435 or one senator of 100 personally was responsible for stagflation or gas lines. An impersonal entity called "Congress" shared that responsibility with the president. But unlike the president, the collective "Congress" never appears on the ballot. Thus, the president had come to bear greater political responsibility than his authority justified, while the Congress had come to bear less. The point was not that party responsibility was the ideal, but that the alternative was irresponsibility, not some other form of responsibility. Thus, any reforms or developments that encouraged voters to support the party, not the person, were worth considering and encouraging.

That was over a decade ago, and if responsibility is problematic in American politics even when government is unified, the problem is compounded when government is divided. Presidents blame Congress for obstructing carefully-crafted solutions, while members of Congress attack the president for lack of leadership. Citizens genuinely can not tell who is to blame, and the meaning of election outcomes becomes increasingly confused.

The reluctance of Americans to impose collective responsibility on their leaders often gives American politics a comical tone. During the 1988 election campaign there was a great to-do about George Bush's role in the Iran-contra affair. How much did he know? How responsible was he? Some elements of the media became obsessed with these questions. Bush was able to turn that obsession to his advantage in the celebrated live encounter with Dan Rather. European observers must have viewed the entire episode as pure silliness. Was Bush responsible? Of course he was. He was a member of the administration in power and he did not resign in protest; therefore, he was responsible—100 percent. The voters cannot mark their ballots: Reagan 75 percent guilty, Bush 50 percent guilty, Schultz 35 percent, Weinberger 20 percent; they can only mark up or down. The only way to give office-holders the proper incentives is to hold *all* of them *fully* responsible for the decisions with which they are associated. Nothing else will suffice. In contrasting his vice-presidential choice to that of Bush, Michael Dukakis argued that if a scheme like Iran-contra were hatched when Lloyd Bentsen was in the room, the upright Bentsen—unlike Bush—would quickly squelch such madness. Maybe

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so, but as James Madison long ago cautioned, we should not rely on the uprightness of our leaders. The best insurance against a future occurrence like the Iran-contra affair would have been the destruction of Bush's political career, and Republican losses of ten Senate and forty House seats. Then, we would be relatively confident that when some future scheme was hatched, someone in the room would ask "Do you remember what happened in 1988?"

Though collective responsibility is a blunt instrument, it is the only one we have. In obscuring responsibility for government actions and the results thereof, divided control exacerbates the already serious problems of responsibility that are inherent in American politics. On this matter I am in substantial agreement with Sundquist. But as always, there is another side to the argument. When we are talking about much of economic and social policy and mundane matters of foreign policy, the accountability argument is compelling. But there are policies that have different, sometimes irreversible effects. A unified Republican government under Reagan would have offered the electorate a clear choice in 1984 and 1988. In the abstract that would be desirable, but one suspects that dead Nicaraguans would take small consolation in the knowledge that Americans had a clear choice in 1984 and 1988. And there is always the theoretical possibility that an aggressive, unified government could follow a policy path that would kill many of its constituents before it ever was held to account at the next election. Divided government may limit the potential for a society to gain through government actions, but it may similarly limit the potential for a society to lose because of government actions.

Intellectual Challenge

The leitmotif of Sundquist's essay of 1988 is the intellectual challenge divided government poses for political science. Sundquist maintains that American political science traditionally has accepted a version of the responsible party doctrine combined with a belief in the critical need for presidential leadership. Many of the major thinkers of American political science—Key, Herring, Schattschneider, and a host of others—lived their entire professional lives in the first half of the twentieth century—the unusual era of unified government (see Table 1). Even the next generation lived their formative years during the latter days of that period.[30] The result is that almost to this day our general accounts of the operation of American national government presuppose unified party control.[31]

[30] Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: Wiley, 1960).

[31] Barry R. Wiengast and Mark J. Moran, "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission," *Journal of Political Economy* 91 (October 1983): 765–800. Terry M. Moe, "An Assessment of the Positive Theory of 'Congressional Dominance,'" *Legislative Studies Quarterly* 12 (November 1987): 475–520. James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989).

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While conceding the dangers in evaluating government operation in different eras, Sundquist contends that the American version of party government did function passably well, at least relative to the current period of divided government. But whether right or wrong, he expresses disappointment that most of his colleagues have not joined the issue, charging that political scientists evade

> what is surely one of the most crucial intellectual questions facing students of American government—one that the previous generation of political scientists explicitly asked and answered . . . fence straddling on this issue is not intellectually defensible. Either the dominant pre-1954 view of the desirability of party government and presidential leadership as the model and the ideal was right or it was wrong. That two systems so diametrically opposite as party government and coalition could serve the country equally well is a virtual mathematical impossibility. . . . One or the other necessarily has to be the superior model for America, and political scientists have a responsibility to determine which it is and inform the country of their judgment.[32]

Most of us are willing enough to accept intellectual responsibility (though I doubt that the country waits with bated breath for the pronouncements of political science professors). The problem is that some of us do not see matters quite so clearly as Sundquist. In my view an evaluation of the current state of divided government *must* be equivocal, and it must remain so until we fully understand the reasons that it has come about—why voters are splitting their tickets—as discussed earlier. For Sundquist, divided government is simply an accident: "the United States has its own unique version of coalition government—not a coalition voluntarily entered into by the parties but one forced upon them by the accidents of the electoral process."[33] Evidently regarding party decline and incumbency as sufficient explanations of the present situation, Sundquist explicitly rejects purposeful explanations because they assume that

> divided government is the people's intent, more or less conscious, rather than the essentially chance outcome of the electoral system that was not designed by those who use it. Clearly the latter is the case: divided government is a historical and procedural accident.[34]

If divided government is only an accidental by-product of a chaotic electoral system, Sundquist's indictment gains force. On the other hand, if purposeful explanations have any validity, Sundquist's case is greatly weakened. Recall Schattschneider's dictum that "Democracy was made for the people, not the people for democracy."[35] If it can be shown that the ticket-splitting of a significant proportion of the citizenry reflects a lack of confidence in the elites of both parties, who are we to recommend that they make a clear choice? If, in their view, Republican Party elites are people who want to shoot up small countries, who would redistribute from poor to rich, and who view toxic wastes and acid rain

[32] Sundquist, "Needed: A Political Theory for the New Era of Coalition Government, 613–635.
[33] Ibid.
[34] Ibid.
[35] E.E. Schattschneider, *The Semi-Sovereign People* (New York: Drydon Press, 1975).

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as figments of the liberal imagination; while Democratic Party elites are people who feel that true democracy exists only in certain Third World dictatorships, who love taxes, and who believe that there are no criminals, only oppressed victims of society; why on earth should citizens be forced to make a clear choice? Or, if voters believe that the Republican Party will concentrate on the prosperity of the whole and ignore the misery of some parts, while the Democratic Party will concentrate on equality at the expense of prosperity, why should they be forced to make a clear choice? Or, if voters believe that unified control under either party will lead to unconstrained looting, why should they be forced to turn over all the keys of government to either party?

If further research on split-ticket voting in American elections concludes that divided government is no more than "a historical and procedural accident," then a responsible political science must respond to Sundquist's challenge. What are the costs of divided government? And if they are significant, how can the system be made to work better, and how might we return to the more unified conditions of previous times? On the other hand, if further research on split-ticket voting concludes that purpose as well as caprice underlies such behavior, then a different sort of challenge arises. Over the past generation what conditions have led the parties to behave in such a manner that a critical minority of Americans believes that divided government, with its inefficiency and irresponsibility, is preferable to a unified government that would act more efficiently and responsibly but in the service of ends they do not accept?

If the intent of the electorate should prove to be a significant factor underlying the current condition of divided government, then current conditions should be seen as a legitimate part of our constitutional system, however much they may differ from earlier historical experience. The Constitution sought to buttress "parchment barriers" by pitting ambition against ambition; and the principal means of doing that was to elect public officials at different times, by different people, and for somewhat different reasons. If Americans choose to divide institutional control among the contending parties, they are only availing themselves of an option explicitly provided for in their founding charter. An invigorated separation of powers may be a nuisance or even a danger in an era of activist government, but it certainly is not something alien to American traditions.

Thus, the immediate task is to renew our commitment to the study of the behavior of the American electorate, not only in presidential and House elections, but in Senate elections and in American state elections. Ticket-splitting and other aspects of the relationships between voting for different offices should become a central focus of research, rather than a sideline. As always, political science owes society investigation before evaluation and recommendation.*

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Deficits without End: Fiscal Thinking and Budget Failure in Congress

STEVEN E. SCHIER

Much of the criticism of Congress since 1980 in effect asked legislators to be who they aren't—elite analysts responding to conventional policy wisdom—instead of elected representatives. An examination of the political economy of legislators shows their fiscal concerns flow naturally from the duties of their jobs. One duty of representatives is to reflect opinions back home, and this lawmakers did relatively well, particularly in defending "their programs." The public wanted budget balance, but not at any price, and so did their representatives. The Burkean plea to regard the common interest above that of one's constituents is compelling, when such an alternative can be carefully crafted. It could seldom be so crafted after 1980 because of the impediments of program politics and the confusion (and frequent error) in elite circles over the proper stabilization course. Legislators did not follow elite policy advice very well, but that advice was often wrong about the immediate effects of deficits.

Deficits persist because accurate representation can lead on its merits to dubious policy. Collectively, lawmakers' intentions produce a large problem of policy choice. Students of public decisions often laud policy rationality in which the most efficient means to clearly ordered goals is employed. But how to order goals when they diverge on both the spending parts and fiscal whole? The only way to proceed is via politics. All that ensures, though, is that the decision made will satisfy a majority of legislators, on representative grounds, in which budget parts figure most prominently. Political rationality requires calculating political

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costs, which since 1980 proved so sizable that no attempt to put the parts into a package to move decisively toward budget balance could succeed.[1] Reducing red ink meant one had to compromise ideological beliefs, place at risk programs important back home, and challenge a popular president on revenues and spending. No wonder lawmakers sought out convenient rationalizations. Presidents can alter the cost calculations in favor of deficit reduction by threatening costs of their own, as George Bush did in 1990. Such instances are likely to be infrequent, though, because the political costs to presidents of such action can be great.

When considering fiscal possibilities, we need to comprehend the legislature's limits as an institutional policy maker. Congress doesn't create much original policy, but it does process fiscal ideas coming from elsewhere. For those ideas to become law, they must seem better in constituency and programmatic terms and as stabilization tactics than the likely alternatives. We are left with a legislature driven by the substantive political economy of its members in a representative fashion, meaning an institution with a persistent bias toward programs. External events—economic change and elections—alter the mix of program preferences in Congress and make possible departures from that institutional fixation on programs.

The fiscal limits of Congress are set by the ideas of its members. Identify the limits and you have identified institutional capacity. To attain the good in public life, we need to comprehend what those we sent to Congress to secure it for us are contemplating. In their routines of thought lie our possibilities—and much of the explanation for our chronic national budget deficits.

The Political Economy of Legislators

The thought processes of legislators shape the behavior and institutional capacity of Congress. This generalization remains a staple of the congressional literature, but few analysts in recent years have been able to examine in depth the thinking of legislators in Washington.[2] Lawmakers are frequently too busy to bother with lengthy interviews. Yet there is no better way to understand their thinking than to probe it with members directly. This article analyzes the congressional response to the persistence of budget deficits since 1980 through a depiction of thought processes articulated by the lawmakers themselves.

Thoughts produce actions, but how are thoughts influenced? Legislators act

[1] On political rationality, see Aaron Wildavsky, "The Political Economy of Efficiency: Cost-Benefit Analysis, Systems Analysis and Program Budgeting," *Public Administration Review* 26 (December 1966): 292–310.

[2] The classic study of this sort is John Kingdon, *Congressmen's Voting Decisions* (Ann Arbor: University of Michigan Press, 1989), now in its third edition and based on interview data collected in 1970. Though numerous studies have relied upon elite interviews, the decreasing accessibility of legislators in recent years has prevented more systematic sampling of congressional opinion.

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upon conscious conclusions when deciding how to vote on bills. The knowledge of another actor's preferences and willingness to accede to them is a direct influence upon their voting choices. A member of Congress may respond favorably to a plea from important constituency interests or to the persuasion of a popular president of his/her party, for example. But behavior is also shaped by structuring the knowledge or alternatives available upon which to act. Fiscal committees first lay the contours of the issue at hand. The House leadership then can manipulate floor procedures to encourage a desired outcome by barring consideration of a popular alternative. Staff and professional analysts as well as the "political stratum" of elite opinionmakers in Washington and the national media may define for legislators the problem to be solved and appropriate means for solving it.[3] This influence is more indirect in that legislators are not necessarily aware of the actions taken to shape their choices, nor do they always take a detached and critical view of the Washington conventional wisdom surrounding the votes they must cast. Understanding congressional thinking requires recognition of the influences legislators don't see as well.

Frequently since 1980, over half of the annual roll-call votes in both House and Senate related to the budget.[4] That fiscal matters dominated the congressional agenda during this time testifies to the importance of budget thinking to institutional behavior. Students of Congress have increased their scrutiny of the budget process correspondingly. Most of these works concerned themselves with explaining how the process operated or the relationships between process and fiscal policy results.[5]

The focus here is a bit different. I explore the policy and political thinking of legislators about budget questions in order to better understand why Congress would undertake major policy departures in 1981 but fail to cope adequately with their consequences in subsequent years. No claim is made to broader explanation of congressional behavior, but this analysis has its share of implications for decision making beyond the fiscal policy arena.

First, what are budget issues? A broad definition would include most of the

[3] The concept of political stratum is nicely delineated in Joseph White and Aaron Wildavsky, *The Deficit and the Public Interest* (Berkeley: University of California Press, 1989), 412–429.

[4] Allen Schick, *Crisis in the Budget Process: Exercising Political Choice* (Washington, DC: American Enterprise Institute, 1986), 42–43.

[5] This emphasis can be found in a number of works about budgeting in the 1980s: Allen Schick, *Congress and Money* (Washington, DC: Urban Institute, 1980); Allen Schick, "The Evolution of Congressional Budgeting" in Alan Schick, ed., *Crisis in the Budget Process* (Washington, DC: American Enterprise Institute, 1986); Lance LeLoup, *Budgetary Politics*, 3rd ed. (Columbus, OH: King's Court, 1986); Howard E. Shuman, *Politics and the Budget*, 2nd ed. (Englewood Cliffs, NJ: Prentice-Hall, 1988); Aaron Wildavsky, *The New Politics of the Budgetary Process* (Glenview, IL: Scott Foresman, 1987); John P. Gilmour, *Reconcilable Differences* (Berkeley: University of California Press, 1990). Two more recent works, Joseph White and Aaron Wildavsky, *The Deficit and the Public Interest* (Berkeley: University of California Press, 1989) and Alan Schick, *The Capacity to Budget* (Washington, DC: Urban Institute, 1990) discuss legislative thinking and institutional consequences more thoroughly than the rest.

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consequential legislation Congress passes—budget resolutions, reconciliation, authorization, and appropriation bills. The primary focus here concerns budget resolutions and reconciliation bills, because they often set parameters for more specific spending decisions.[6] Resolutions set targets for spending in each of eighteen functions or policy categories within the federal budget and specify a minimum level of revenues. Reconciliation bills contain changes in authorization and appropriation levels to enforce the discipline of the resolution. John Gilmour terms them a "centerpiece" of the budget process for this reason.[7] Encompassing decisions of this sort make possible sweeping fiscal changes, allowing the budget process to serve as a mechanism for Congress to work its will in fiscal policy.

The 1980s witnessed the decline of resolutions and reconciliation as effective disciplines on congressional spending.[8] After an impressive demonstration of these measures' ability to constrain authorizations and appropriations in 1981, Congress began to delay resolutions and reconciliation because it could not decide what to do about fiscal policy in the face of large deficits. The legislature was forced to abandon the big picture and scrap over the specifics of spending with a recalcitrant White House. The parts of budgeting overwhelmed the problem as a whole. Why did this happen? The answer lies in legislative thinking during this period.

A framework of policy thought on budget issues is identifiable—a political economy of lawmakers. All members of the House and Senate, with varying degrees of analytical sophistication, approach budget issues from a perspective encompassing three elements: long-standing conceptions of the proper "role of government" in the economy, involving an "economic ideology" about the appropriate degree of government action in the allocation of public goods, distribution of economic rewards, and stabilization of macroeconomic cycles;[9] a "practical theory" of how the economy works, both nationally and in constituencies, and how it will perform in the future; and a political estimation of the direction and intensity of the preferences of those who have important effects upon the attainment of member goals—constituents, party leaders, interest groups, colleagues, and the president. Legislators' goals motivate them to work through this

[6] There is also, of course, a distinctive product known as a continuing resolution. This is usually an omnibus appropriations bill passed as a stopgap measure when Congress has not been able to meet its budget obligations on time. The fact remains that major changes in program budgeting and fiscal policy of a lasting sort are first declared in resolutions and then enacted through enforcement of a reconciliation bill. See Stanley E. Collander, *Guide to the Federal Budget: Fiscal Year 1987 Edition* (Washington, DC: Urban Institute Press, 1985).

[7] Gilmour, *Reconcilable Differences*, 157.

[8] White and Wildavsky, *Deficit and Public Interest* and Schick, *Crisis in Budget Process* analyze this occurrence in detail.

[9] See M. Stephen Weatherford and Lorraine M. McDonnell, "The Role of Presidential Ideology in Economic Policymaking," *Policy Studies Journal* 12 (June 1984): 691–702 for a discussion of the components of economic ideology. Richard A. and Peggy B. Musgrave, *Public Finance in Theory and Practice*, 2nd ed. (New York: McGraw-Hill, 1976) details the components of fiscal policy.

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framework to a decision on budget measures. Goals are defined here as three: satisfying constituents, making good public policy, and attaining influence within Washington.[10] Members' substantive fiscal convictions, deriving from ideology and practical theories, are an important part of the process of political estimation because they define good policy.

What follows is a schematic overview of legislators' political economy. The framework derives from interviews with 113 representatives and senators conducted from 1985 to 1987 and a survey in 1986 of 67 Senate and 253 House legislative assistants concerning their legislators' budget voting and fiscal views.[11] Some legislators can address this policy area with the sophistication of a professional economist (such as Senator Phil Gramm [R-TX] and Representative James Moody [D-WI]). Others are hard pressed to articulate views beyond those found in the most banal of partisan discussions. The average legislator occupies a position somewhere between these extremes, that of the educated layperson in fiscal debate. Representatives and senators are usually quick to indicate the limits of their knowledge ("I'm no economist", many say, usually with an accompanying "Thank God!") and to explain how they arrive at decisions within these limits. Lawmakers' political economy gains definition from such limits.

Economic Ideology

Any ideological construct has a constraining function. It serves to guide an individual in linking "beliefs, whether beliefs about facts or values, and attitudes, defined as predispositions to act in certain ways toward certain sets of objects or events, with behavior."[12] The economic ideology of legislators reveals much about

[10] The goal typology comes from Richard Fenno, *Congressmen in Committees* (Boston: Little, Brown, 1973). It was also employed by Kingdon in *Congressmen's Voting Decisions*.

[11] The interviews were completed during two time periods. From January through March of 1985, I interviewed eight members of the Senate Budget committee (six R, two D) and twelve members of the House Budget committee (eight D, four R), along with staff of all committee members and eight committee staff members. From March 1986 through February 1987, I interviewed ninety-three lawmakers. These included seventy nonspecialist (non-Budget committee member) representatives organized into a sample stratified by party and region (forty-one D, twenty-nine R), who were questioned shortly after their votes on the fiscal year (FY) 1987 budget resolution. Though the sample could not be random, proportional representativeness concerning party and region was achieved. In addition, I interviewed ten nonspecialist senators and two Republican members of the Senate Budget committee during this time, as well as eleven additional members of the House Budget committee (five D, six R). The large majority of members preferred to be interviewed on the record. The questionnaire was mailed to all House offices and personally delivered to all Senate offices. A total of 253 House offices and 67 Senate usable responses resulted. Budget staff of legislators received the questionnaire and completed them. See Steven E. Schier, *A Decade of Deficits: Congressional Thought and Fiscal Action* (Albany: State University of New York Press, 1992), chap. 2, for a more in-depth analysis of these findings. Subsequent references in this article to specific budget events after 1980 are treated in greater depth in chapters 3–5 of this book.

[12] Jerrold Schneider, *Ideological Coalitions in Congress* (Westport, CT: Greenwood Press, 1978), 11–12.

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the course of congressional policy decisions since 1980. Talk with members in their offices or in cloakrooms, read the floor debates over budget resolutions and reconciliation bills, and the contours of ideology become apparent. Members continually address the three elements of fiscal policy identified some time ago by Richard Musgrave: allocation, distribution, and stabilization.[13] The particular problems within each of these elements varies across time and among individuals, but fiscal thinking in the institution receives its structure from these ideas.

Allocation is the provision of public or social goods by the government, that is, the provision of goods that cannot be provided by the market due to a variety of market failures (such as imperfect information or externalities).[14] Though members, according to Moody, an economist, "do not know what these terms mean in the abstract, they do understand them when you explain them, and realize that they deal with these problems all the time." The annual congressional debate about spending priorities in a budget resolution is concerned centrally with matters of allocation. The perennial argument about guns and butter involves which public goods deserve allocation and in what amounts. More for defense? Environmental protection? Public works?

A related allocational issue in Congress concerns the overall size of the government in the economy. This is the definition of allocation incorporated by Stephen Weatherford and Lorraine McDonnell in their concept of economic ideology.[15] Conservative Democrats and Republicans are preoccupied with concern that the national government consumes too large a share of the gross national product. Ronald Reagan brought to the budget battles of the 1980s the strong conviction that the size of government was far too large: "When government starts to take more than 25 percent of the economy, that's when the trouble starts. Well, we zoomed above that a long time ago. That's how we got in this economic mess. We can't solve it with more tax and spend."[16] More liberal Democrats do not view this number as a totem, but focus instead, in the words of Representative Major Owens (D–NY) upon "programs and the need to help people, not some meaningless percentage."

A second element of economic ideology is the long-controversial issue of redistribution or, as labeled by Richard Musgrave and Peggy Musgrave, distribution: "The adjustment of the distribution of income and wealth to assure conformance with what society considers a fair or just distribution."[17] Democrats made this their theme when they decried the lack of fairness in the fiscal approach of the

[13] Musgrave and Musgrave, *Public Finance*, chaps. 1–2.

[14] Ibid., 7. Stokey and Zeckhauser define six reasons for market failure. They are: imperfect flow of information, transaction costs, the nonexistence of markets for some goods, market power, externalities and public goods. See Edith Stokey and Richard Zeckhauser, *A Primer for Policy Analysis* (New York: Norton, 1978), chap. 14.

[15] Weatherford and McDonnell, *Presidential Ideology*, 83.

[16] Quoted in David Stockman, *The Triumph of Politics* (New York: Harper and Row, 1986), 315.

[17] Musgrave and Musgrave, *Public Finance*, 6.

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Reagan and Bush administrations. This conviction dovetailed nicely with the political imperative of supporting programs that had the approval of their supporting electoral coalitions back home. In other words, redistributive programs—Social Security foremost among them—constituted a line of battle on which Democrats usually held firm. Republicans after the Reagan rout in 1981 were forced to rhetorically "me too" on this matter; even the White House in the midst of the 1981 budget battle had to claim that the safety net of programs for the truly needy would be kept intact. Democrats built strong defensive fortifications on this front. Ideology and politics demanded it.

One avenue of Republican attack that produced some Democratic defections involved the issue of incentives. Southern Democrats, particularly the members of the Conservative Democratic Forum in the House, resembled Republicans in wanting more incentives in tax and welfare programs. Representative Marvin Leath (D–TX), an important budget leader for more conservative Democrats in the 1980s, endorsed a flat tax and argued that his party had to become more incentive and opportunity oriented. The problem of reconciling the differing attitudes within the Democratic party on allocation and distribution in the face of a popular conservative president produced partisan calamity for Democratic congressional leaders in the early 1980s.

The stable basis of economic ideology in Congress concerns allocation and distribution. These are legislators' core ideological beliefs because they concern particular programs, the substantive building blocks of the legislative process. As a voting record is established, constituents come to identify lawmakers with an allocative and distributive program philosophy. Personally and politically, these two dimensions of ideology anchor most members' fiscal attitudes. Legislators know their colleagues allocative and distributive views well and can identify them readily.

The most abstruse and variable concern of economic ideology for legislators is that of economic stabilization, "the use of budget policy as a means of providing high employment, a reasonable level of price stability, and an appropriate rate of economic growth."[18] Musgrave's definition suggests active fiscal intervention by government to smooth short-term fluctuations in the economy. Though most Democrats have no problem endorsing such efforts, more conservative legislators object to this sort of budget strategy. Consistent with a minimalist allocation view, they hold that short-term stabilization by government cannot be successful; limited government is necessary for a vibrant market economy.

But this is an argument over strategy and over what long-term approach to stabilization is best to pursue. Most budget votes in contrast concern tactical—short-term—stabilization questions. Regardless of their theoretical declarations about how to manage the economy, both liberal and conservative legislators cast votes believing that discretionary stabilization policy does matter to them

[18] Ibid.

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politically. Determining how fiscal choices might alter conditions in the nation and therefore back home is one way to safeguard the economic base of one's district, a prime imperative for lawmakers.[19] The vast majority in Congress in practice treat the budget as a valuable stabilization tool, regardless of their allocative beliefs. The prevalence of this tactical stabilization consensus is born of a need to keep the economy thriving and a belief that congressional fiscal decisions make a difference in this.

While this consensus seems a tidy concept, the 1980s and early 1990s produced nothing but confusion about the macroeconomic effects of deficits. Economists and the political stratum blamed deficits for inflation, the high dollar, high interest rates, the trade deficits, and low market confidence, among other evils. Joseph White and Aaron Wildavsky note that "while public discourse so often claimed national interest in avoiding the evident evils of deficits, most assertions about how the economy works, including assertions about the deficit, proved inaccurate."[20] Given this cacophony, what was a legislator to do? Most believed some sort of deficit reduction was necessary, but consensus on a number became the big challenge each year. The Gramm-Rudman-Hollings act reduced the difficulty of the deficit target only slightly, once it became clear Congress would not adhere seriously to the law's targets. Ultimately, the economy provided the answer. No deficit-induced collapse, so no big action by Congress. Such was the practical extent of the congressional stabilization consensus after 1981.

Legislators have a clear sense of a "political business cycle" linking the results of economic events and electoral outcomes.[21] This leads them, regardless of their professed economic ideology, to view decisions about fiscal policy in terms of immediate macroeconomic impacts. Broader discussions of stabilization strategy do not figure prominently in legislative life. Such topics require members to think big, while their everyday legislative routines mandate that they focus upon specific parts of the fiscal whole. Unlike allocation and distribution, stabilization deals primarily with the budget as an aggregate, not as a collection of specific programs involving particular committee jurisdictions and constituent clients. Given their committee and electoral concerns, legislators tend to be more program- than aggregate-oriented about budgeting.[22] The gut issues of budgeting do not concern esoterica such as Keynesian versus monetarist interpretations of fiscal policy; rather they involve the conflict resulting when allocation and distribution preferences do not comport with the simple tactical imperative of deficit reduction. As Jim Moody (D–WI) put it: "At the core of the deficit issue are gut-wrenching political decisions. Only rudimentary ideas about our general fiscal direction are necessary to solve it."

[19] Kingdon, *Voting Decisions*.

[20] White and Wildavsky, *Deficit & Public Interest*, 352.

[21] The term was first coined by Edward Tufte, *Political Control of the Economy* (Princeton, NJ: Princeton University Press, 1974).

[22] See Schick, *Congress and Money*; and Steven E. Schier, "Thinking About the Macroeconomy:

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Inevitably in budgeting, tensions develop between particular elements of a legislator's economic ideology, forcing members to contemplate the consistency of their stabilization, distribution, and allocation goals. New deficit reduction imperatives caused conflict between stabilization desires and both the allocational and distributional ends of lawmakers. The discomfort for legislators grew more acute because the electoral and substantive justifications for program concerns clashed with a signal problem for the political stratum – the overall deficit. These cross-pressures explain much of the congressional muddle as deficits grew during the first half of the 1980s.[23]

Practical Theories

Authority over fiscal policy requires that legislators comprehend the reasons for economic events. A particular budget must be considered in terms of its immediate cyclical impact, and this necessitates understanding what is transpiring in the economy. Congressional decisions turn upon the quality of economic prognostication. What will economic conditions be during the year when this budget is in place? Answers rest upon legislators' premises concerning the nature and origin of current economic conditions.

A steady stream of information flows to members about the economy.[24] What would motivate a legislator to clarify his or her theories? All shared the need to be able to prepare a brief explanation for constituent consumption. Specialists on the fiscal committees (Ways and Means, Finance, Appropriations, and Budget) had to follow the economy more carefully to be on top of their jobs. But even they could rely heavily on staff for analysis beyond whatever explanations would suffice for constituent consumption. Ultimately, the only members who monitor the economy analytically are those who bring adequate intellectual equipment with them when they are sworn into office. Representative Willis Gradison (R-OH), one such member (Harvard MBA), commented that "you really have to rely upon your intellectual capital once you get here. You just don't have time to learn that many new concepts and mental approaches. If you don't come here with the intellectual resources, you usually have to rely on others to furnish them for you."

The economy back home is the focus of the most extensively contemplated practical theory in the minds of lawmakers. Members have a detailed exposure to district conditions and an occupational motivation to track them that simply outstrips their concern and knowledge about national trends. This is not to say

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The House and Senate Budget Committees in the 1980s" (Washington, DC: American Academy of Higher Education, 1986).

[23] Schier, *Decade of Deficits*, chap. 4.

[24] See Robert D. Reischauer, "Getting, Using and Misusing Economic Information" in Allen Schick, ed., *Making Economic Policy in Congress* (Washington, DC: American Enterprise Institute, 1983), 214-246.

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that they are ignorant about national conditions or that their simplifications concerning them are inappropriate for the decisions they must make. During a decade when most of the conventional wisdom about deficits turned out to be wrong, knowledge of the broader economy did not necessarily help legislators to do the right thing.

The substance of budget debates encompasses economic predictions alongside ideological argumentation that primarily concerns questions of program priorities: how much for defense, Medicare, environmental protection, the poor? Representative Ralph Regula (R-OH) explained the emphasis on program spending: "because we have a micro, micro, micro focus in Congress. We are used to dealing with programs. That's what we work with. The big picture dissolves into a budget of smaller concerns." Regula supplies an important explanation for the decline of big-picture aggregative measures like resolutions and reconciliation during the course of the 1980s. As the economy perked along, program defense intensified, making deficit politics intractable. Gramm-Rudman-Hollings and the drive for a constitutional amendment mandating a balanced budget grew from the frustration resulting from just this tendency.

Political Influences

Given that complex voting situations occur frequently in congressional budgeting, what role do other sorts of influences—such as the political pressures of constituents, president, and interest groups—play in choices on the floor? They are a staple of much political science research on congressional voting,[25] and represent the foundation of a model of behavior accepted by many students of the legislature, identified by Arthur Maass as "partisan mutual adjustment."[26] In this framework, Congress is understood as primarily performing the function of aggregating "particular interests" and "coordinating through partisan mutual adjustment the opinions that have been articulated by others in support of their particular interests."[27] This conception directs attention away from the substantive concerns of legislators in order to generalize about the process by which decisions are made.

Admittedly the sort of pure politics of partisan mutual adjustment occurs at times in budget voting, but policy concerns are central both in explaining budget voting and understanding the onset of the deficit problem.[28] The task then is to fit partisan mutual adjustment into the context of budget decision making. Political

[25] For example, see John Kingdon, *Congressmen's Voting Decisions*; Aage Clausen, *How Congressmen Decide: A Policy Focus* (New York: St. Martin's, 1973); Donald Matthews and James Stimson, *Yeas and Nays* (New York: Wiley, 1975).

[26] Arthur Maass, *Congress and the Common Good* (New York: Basic Books, 1982).

[27] Ibid., 28.

[28] Darrell West, *Congress and Economic Policymaking* (Pittsburgh: University of Pittsburgh Press, 1987) demonstrates this point for the budget votes of 1981.

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influences do affect both the weighting and substance of ideology and practical theories in budget resolution and reconciliation votes. On the philosophical votes—budget resolutions—their influence tends to be indirect; a lawmaker's general ideological orientation tends to control the choice. In more program-specific reconciliation and appropriations voting, though, political influences tend to have more pronounced effects upon decisions.

Perhaps the best way to examine the political influences on resolution, reconciliation, and appropriations voting is to consider them in terms of John Kingdon's formulation of the "field of forces" in the mind of a legislator deciding how to vote.[29] The most important force in this field on resolution votes is that of personal convictions.[30] Fully 95 percent of the nonspecialist legislators I interviewed about their resolution vote in 1986 mentioned that personal convictions were highly important in helping them to make up their minds.[31] These convictions include both economic ideology and practical theories about the economy.[32]

When are particular interests most likely to succeed in finding a receptive audience among legislators? Reconciliation and appropriations bills are the venue for lawmakers to service these needs.[33] Members commonly distinguished between the overall vote that is involved in a budget resolution and the "real teeth of the budget process," as Senator William Proxmire (D-WI) put it, the reconciliation bill.[34] After 1981, the teeth lost much of their bite. Reconciliation served

[29] Kingdon, *Voting Decisions*, chap. 1.

[30] Ibid., chap. 10; Schier, *Decade of Deficits*, chap. 2.

[31] My interviews with seventy representatives yielded only four who failed to state a personal policy conviction in response to my question: "What considerations were important for you in deciding how to vote on the FY 1987 budget resolution?" See Schier, *Decade of Deficits*, chap. 2, for more details. Analysis of the questionnaires sent to legislative assistants in this chapter indicates that convictions were the most important influence upon the votes of representatives and senators on this resolution. The seventy are termed "nonspecialists" because none had served on the Budget committee, the formulator of the resolution.

[32] This finding is also consistent with that of David Kozak in his analysis of budget voting around 1980. See his *Contexts of Congressional Decision Behavior* (Lanham, MD: University Press of America, 1984).

[33] Though members regularly referred to a budget resolution as a "big picture" or "philosophical" vote, their views of reconciliation bills were more variable. Some viewed it as a philosophical test similar to that of a resolution. Others saw it, in the words of Representative John Kasich (R-OH) as a very "complicated" vote that did not admit to a stable decision pattern because "you deal with programs in detail with that as well as with the budget overall." Most, however, mentioned it in the same breath with appropriations bills as a tool for helping out particular interests. A representative response came from House member John Spratt (D-SC) who claimed that "you have to view reconciliation like an appropriations bill. It is a complex bill and programs affecting all sorts of interests are affected by it."

[34] Theoretically, appropriations could be cut by a reconciliation bill, if the bill were passed near the beginning of the next fiscal year, October 1. The 1974 budget act provided for this possibility. In practice, appropriations have not been affected by reconciliation, in part because they have been late in passing Congress. See Allen Schick, *Reconciliation and the Congressional Budget Process* (Washington, DC: American Enterprise Institute, 1981).

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only to marginally lessen the deficit through higher revenues or reduced entitlement spending. The 1990 deficit reduction compromise, which at long last promised more than marginal reductions in red ink, likewise relied mainly on entitlement cuts and tax increases. Allen Schick notes that for most of the 1980s, reconciliation bills were vehicles for all sorts of extraneous program-related legislation.[35] In reconciliation and appropriations bills, according to Representative Bill Richardson, (D–NM): "the whole situation is more political. You deal with issues of spending that are not dealt with elsewhere and you get your shots at saving your programs. I tend to look at it more in terms of narrow self-interest." Other legislators mentioned them as opportunities to "help out your programs," "to do some good for your own priorities" and the like.

Certain durable relationships between legislator attitudes and political influences are evident throughout the tumult of budgeting since 1980. Legislators have ideological and political reasons for supporting particular programs, leading them to emphasize some parts of the budget over others. Much of this motivation is rooted in constituency, producing a strong and consistent pull in given programmatic directions. Stabilization tactics – attempts to manage the economy for prosperity and electoral reward in the short term – also are influenced strongly by the fear of electoral reprisal back home. Concern with the fiscal situation as a whole, in contrast, involves more long-term stabilization strategies and, to a lesser extent, macroallocation (size of government) as well as practical theories about the course of the economy. Constituency recruitment plays a less prominent role in the formulation of strategic stabilization theories. Legislative views on these matters can be shaped much more by the political stratum – Washington policy circles and the national media – that reflects their opinions.

The story of congressional budgeting since 1980 is that of the primacy of the programmatic over the aggregative orientation. More precisely, the cheerleaders for the aggregative orientation demanded improvement in the deficit, placing some overall constraint upon the usually central programmatic motivations of lawmakers. As the media and economists cried wolf, Congress felt it had to respond.[36] But as the economy persisted in growth after 1982, the real economic pressure for action was not so great. This permitted lawmakers to rationalize their inability to reduce the deficit. By 1992, cutting the by-then huge deficit seemed to be a poor stabilization tactic, likely to prolong the recession. Only the threat of imminent economic collapse – the 1987 stock crash – or strong fiscal offensives by popular presidents – Reagan in 1981, Bush in 1990 – could dislodge the primacy of programs.

Member Goals

The role of political influences in budget voting becomes clearer when they are related to lawmakers' goals. Richard Fenno discovered three goals among the

[35] Allen Schick, *The Capacity to Budget*, 179.

[36] White and Wildavsky, *Deficit and Public Interest*, argue this convincingly.

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members of Congress: making good public policy, satisfying constituents, and gaining intra-Washington influence.[37] Most legislators named personal policy convictions as the major goal they pursued in voting on budget resolutions.[38] But this general statement masks a series of calculations. Satisfying Fenno's three goals is not a mutually exclusive proposition; one can achieve much with one vote.

Most of the budget votes since 1980 involved trying to avoid offending constituents by voting for the best available alternative. As Representative Doug Walgren (D–PA) put it: "So many of these votes are exercises in damage control. You don't like what you see and just have to look for the one that hurts you the least back home and that you personally can live with." Legislators had some room for maneuver, because any single budget vote would not be of high salience to constituents. None of the legislators I spoke with, for example, indicated that their vote on the budget resolution in 1986 attracted significant interest in their constituencies. But a string of votes offensive to one's supporting electoral coalition programmatically or in the aggregate threatened electoral danger, as Kingdon found in 1970.[39]

Conflicts involving the constituency do occur, though. A legislator can be torn between supporting an overall budget measure and defending a particular part of the budget important back home. Composing a successful resolution, reconciliation, or appropriations bill became largely a matter of muting or avoiding enough of these tensions so as to gain the support of a majority of legislators. Reconciliation and appropriations politics involved this far more, because they entailed actual cuts, not just overall targets. By the mid-1980s, majorities were cultivated through proposals that claimed to hit every important budget claimant fairly. This strategy was a response to the preference members often heard from constituents to "take their fair share of cuts if others have to as well." The "fair share" received specific definition in reconciliation bills, leading to intense negotiations and more interest-based activity. The definition in practice seldom provided for equal sacrifice, and by mid-decade the scope of reconciliation bills had narrowed so that cuts affected only a few claimants. In fact, different primary victims suffered in different years. In 1981, the working poor and state and local governments due to budget cuts; in 1982 and 1984, business via revenue increases; and from 1986 to 1988, the military through real spending freezes. Each could be stigmatized either for wasteful spending or unnecessary tax favors. Only in 1990 did a large deficit reduction package pass that required considerable sacrifice from a large number of budget claimants. Despite this, the ensuing recession and rising entitlement spending kept deficits quite high.

The pursuit of intra-Washington influence is of small importance in budget voting. Why not use a budget vote to curry favor with other power centers, such

[37] Richard Fenno. *Congressmen in Committees.*

[38] See Schier, *Decade of Deficits*, chap. 2.

[39] See Kingdon, *Voting Decisions*, chap. 3.

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as the party leadership and the president? Neither of them usually were all that effective as power centers in budget politics. From 1982 to 1989, the president usually performed a negative role of keeping certain items off the deficit reduction agenda. In 1990, George Bush's demands for unpopular deficit reduction measures caused many in his own party to distance themselves from him. Party leaders throughout the decade had few rewards and punishments to employ with their followers. More importantly, few lawmakers viewed resolution and reconciliation votes as opportunities for horsetrading one's way to power within Congress. Instead, they commonly referred to them as "exercises in philosophy" and "serious attempts at deficit reduction," policy reasons, indeed. Of course, a certain amount of bargaining occurs in the budget process, particularly on the specific provisions of reconciliation bills; and appropriations politics involved much dealing over programs. But this usually concerned policy and constituency goals, not a desire to please those prominent in Washington. Voting to satisfy Washington luminaries may occur, but it is not at all common.

The Institutional Environment

This is not to say the Washington environment has no effect upon budget outcomes. The party leadership, fiscal committees, and conventional wisdom of Washington constitute three important but indirect influences from that environment. Party leaders annually influence the composition of resolution, reconciliation, and appropriations bills in order to facilitate passage by their chamber.[40] Budget, Appropriations, and tax committee members keep the floor in mind as well. Legislators from all such committees talk of "getting it passed" and "keeping your eye on the floor" when formulating bills. But the committees do compose the product, framing choice within the floor constraints that they perceive. Legislators may claim only to follow convictions in floor voting, but committees do much necessary agenda-narrowing work of independent substantive importance to the bills voted upon on the floor. The specialists define the issue with some sense of the convictions of their nonspecialist peers in mind.

The Washington media and various economists can be counted upon to frequently press the case for deficit reduction. Practically every economic evil has at some point been blamed on deficits. Also, the deficit came to be viewed as a moral evil, as an example of a Congress that could not govern. As Democratic Representative Marvin Leath claimed: "We get hit over the head by this all the time. In the media. We are cowards and can't govern and the economy is going to go to hell. How can you not pay attention to all this?" Personal convictions, the fulcrum of budget voting, are so shaped.

If this sort of hectoring weren't enough, four other reasons make budget votes into high salience decisions for legislators. First, resolution, reconciliation, and

[40] Schier, *Decade of Deficits*, 15.

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appropriations votes directly concern one of the great issues of the time, that of chronically large deficits. The macro policy stakes are sizable to most lawmakers. Second, budget issues are the subject of "high politics" between the legislative and executive branches.[41] The political arena for these issues is of grand scale. Third, decisions made on resolutions and reconciliation bills shape the range of choices available for lawmakers on their authorizing and appropriation committees. The consequences for their everyday work lives are substantial. Fourth, parts of the constituency may well question any budget vote. An explanation must be prepared for home consumption.

All this explains why budget issues seriously concern every member of Congress. It also indicates why the norm of specialization does not play a large role in the consideration of budget resolutions and reconciliation bills. The budget committees are not viewed as founts of expertise and political influence and during much of their existence have had to fight jurisdictional battles with both appropriations and authorizing committees.[42] Budget committee members may disseminate information to their colleagues, but seldom exercise political influence over them.[43]

This weak specialization norm, combined with the high salience of budget votes, produced in the 1980s a policy formulation process involving many effective participants and decision-making units. Resolution construction involved consultation with members of the majority party in the House and Senate, and the party leader role became one of "brokering" among the various perspectives involved in the process.[44] Authorizing committees, with the exception of 1981, wrote the specific language in reconciliation bills. Another set of players—the large appropriations committees and their subcommittees—put together spending legislation in the form of particular appropriations bills or, more frequently later in the decade, composite continuing resolutions. Because members voted their own convictions on the floor, alignments were volatile and outcomes unpredictable, producing difficulties for the budget process timetable.

The Context of Congressional Political Economy

In this environment, allocation, distribution, and stabilization attitudes define for legislators the fiscal good, the desirable direction of national policy in the budget process. Budget politics remains a major battle over the public interest,

[41] Steven E. Schier, "The Political Economy of Congressional Budget Voting" (paper presented at the Annual Meetings of the Northeastern Political Science Association, Boston, 13–17 November 1986).

[42] On this point, see Schick, *Congress and Money* and *The Capacity to Budget*; Wildavsky, *The New Politics of the Budgetary Process*; White and Wildavsky, *The Deficit and the Public Interest*; Gilmour, *Reconcilable Differences*.

[43] Schier, *Decade of Deficits*, 16.

[44] See Gilmour, *Reconcilable Differences*, 134–138.

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conducted in public debate.[45] That is to the good. But most have found the results wanting; budget policy from 1979–1992 is widely regarded as a failure. Open debate about closely held convictions does not necessarily produce good policy, because the reasons for budget frustrations have to do with how the context of debate shapes its substance. Members' collective norms and the electoral process that placed them in Washington tilt discussion in the direction of unsuccessful outcomes. These attributes of institutional structure in effect tolerate and encourage deficits by inhibiting initiatives of a scale necessary to solve the problem. Only in 1990 did presidential resolve overcome such constraints, but by only a narrow margin, at substantial political cost to the chief executive, and with frustrating ultimate results.

The Fiscal Good

Every lawmaker's definition of the fiscal good arises from concrete political and institutional circumstances. Specifically, recruitment processes and reelection worries constitute primary influences upon budget thinking and voting. Patterns of recruitment create lasting policy boundaries for legislators, a restriction they accept willingly, for their convictions usually fit easily within the limits of acceptability for their supporting electoral coalitions. Lawmakers think over whether or not a vote has appreciable electoral impact; if not, constraints upon their choice are eased. The currency of electoral success is denominated in programs, so members quickly learn to think small in budgeting and focus more energy on specific aspects of authorizations, appropriations, and reconciliation than on budget resolutions. Important congressional norms, including specialization, reciprocity, and accommodation, are also grounded in incentives produced by electoral arrangements.[46] One specializes in programs dear to one's beliefs and one's district. Even the question of the fiscal big picture is delegated to a few specialists—the Budget committees and Joint Economic committee—whose efforts are noted by their peers primarily when they threaten the small picture of committee specializations and district concerns. Most legislators are inevitably detail people whose careers can be measured in individual policy victories and defeats of modest scale. Political trading over bits can get each bargainer a satisfactory part of a larger bill. Chamber rules are tools of combat over such matters; the legislative schedule discourages serious reflection on issues other than those of the moment. And the issues of the moment usually concern programs.

Defining the fiscal good in this environment requires clear program convictions, flexible stabilization principles, and some knowledge of what has happened in the economy lately. The good is comprised mainly of opinions about pro-

[45] White and Wildavsky, *Deficit and Public Interest*, 558.

[46] Barbara Hinckley, *Stability and Change in Congress*, 4th ed. (New York: Harper and Row, 1987) explains these norms in detail.

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grams—both allocative ("Should the federal government do this?") and distributive ("Does it promote equity?")—and stabilization tactics of the short run. It also includes views about the overall size of government, totems to which legislators have long publicly subscribed. Immediate economic events most occupy and motivate the lawmakers. Broader theories of how to stabilize the economy in the long term receive little attention or articulation in Congress.

Though this style of fiscal thinking seems set by stable environmental characteristics, fiscal convictions in Congress do vary over time. Legislators, however fuzzily and tentatively, often rethink their views on budget policy in response to external conditions, usually by revising their definition of the correct immediate tactics. Three forces tend to stimulate the rethinking that goes on: economic events, agenda setting by the political stratum, and election results. The first two encourage individual members to ruminate on their substantive commitments, while the latter changes collective deliberations by altering who occupies Capitol Hill and the White House.

Agents of Change

The major forces of change after 1980 were electoral: the Republican victory of 1980, the 1982 Democratic comeback in the House, and the election of George Bush in 1988. One result was the dominance in 1981 of new fiscal ideas of uncertain merit that ended up contributing to the deficit. Another was the onset of a period of "divided government" after 1982, producing problems of governance well described by James Sundquist: "If the president sends a proposal to Capitol Hill . . . the opposition-controlled House or houses of Congress—unless they are overwhelmed by the president's popularity and standing in the country—simply must reject it. Otherwise they are saying the president is a wise and prudent leader."[47] White House budgets received routine rejection after 1982. Reagan and his antitax pledge, however, remained popular enough to raise the political costs of aggressive pursuit of deficit reduction for Democrats or responsible Senate Republicans. The legislature's posture towards the executive grew defensive, since Reagan was far more inclined to cut domestic programs than was the vast majority of Congress. All this made persistent, huge deficits more likely. George Bush provided a stark contrast to his predecessor in 1990. He pursued long-term deficit reduction as a priority and proved more flexible on its specifics.

But Congress did make some progress in deficit reduction before 1990, albeit with much wailing and gnashing of teeth. They managed to do so without hitting domestic spending programs hard again after 1981 and despite a reluctant White House. One reason for the progress was the insistent pressure from the political stratum—national media, economic and Washington "expert" opinion—

[47] James Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988–89): 629-630.

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claiming the onset of economic perdition if deficit cutting did not commence immediately. The legislature skirted further cuts in domestic programs from 1982–1984 and found savings through a myriad of small tax increases and very selective shaving of entitlements. But room for this maneuver began to run out by 1985, when the political stratum's demands for cuts butted against the domestic program commitments of lawmakers. The result was the gimmickry of Gramm-Rudman-Hollings.[48]

The political stratum can act as an agent of change, but its effectiveness is far more circumscribed than is that of elections or economic events. It has clout in that politicians, particularly budget captains, "pay close attention to their peer groups of Washington influentials, the media and policy experts."[49] So practical theories and the latest stabilization ideas gained the attention of lawmakers through the intermediaries of the political stratum, making these elites the prime conveyors of gloom and doom scenarios as deficits persisted. But the link of the political stratum with local electorates is nil. As one senator said to me: "Responsible opinion in Washington is not at all the same as the concerns of my constituents. And I am paid to represent the latter, not the former." When the sky did not fall, the urgency of appeals for action became less arresting. But the stratum could always press for basic fiscal responsibility; and on this score, legislators were understandably defensive and unwilling to ignore the pleas.

The limited effect of the political stratum is bad in that it contributes to the persistence of large deficits that may impede the long-term performance of the economy and make fiscal discipline even harder to muster in the future. The limited effect of the political stratum is good in that lawmakers represented their constituents, who were less convinced of the end of the world and more concerned with their programs, in refusing to follow the political stratum's call to action. And in the short term, the public was right and the political stratum was wrong. No one said that representation would be pretty; the structure of the electoral system provides for this fragmented kind of responsiveness on major issues that national elites seldom can disrupt.

The political stratum may plead for movement, but nothing more concentrates a lawmaker's mind on the future than serious economic problems in the present. Events had their sharpest immediate impact in 1981 and 1987. Without high inflation and unemployment engendering a sense of crisis, the new president's program would not have rushed through Congress as it did. The stock market crash of 1987 roused Congress and the president from entrenched and hostile positions by raising the specter of a major economic collapse unless deficit reduction occurred soon. These situations revised practical theories, reshaped stabilization tactics, and temporarily restored focus upon the bigger problem of stabilization strategy. The 1991–1992 recession, in contrast, forestalled further deficit

[48] Schier, *Decade of Deficits*, chap 5.
[49] White and Wildavsky, *Deficit and Public Interest*, 427.

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reduction because of widespread fear that such action would exacerbate the downturn.

What didn't happen in the economy also explains much of the fiscal policy course during the 1980s. Moderate economic growth accompanied by trade and budget deficits produced macroeconomic worries but little sense of immediate calamity. Economic recovery buoyed Reagan's popularity, making his veto threats and no-new-taxes pledge an insuperable obstacle for any deficit solution acceptable to Congress, which in turn deferred the broader problem in the interest of programmatic compromise. The cushion of favorable economic performance, however, did permit a gradual and piecemeal reduction of the deficit in 1982 and 1984. When out-year deficits no longer seemed likely to balloon, in large part because of frozen defense spending, the legislature and president after 1985 tolerated deficits of about $150 billion annually.

Gramm-Rudman-Hollings did promise a congressional stabilization strategy and straightforward annual tactics in the form of deficit targets. But its consideration and implementation were showcases of political maneuvers aimed at undercutting the law. The 1987 amendments to GRH postponed serious deficit reduction for several years and left a huge amount of wiggle room when defining whether a target was in fact achieved. A similar fate undoubtedly would befall a balanced budget amendment to the Constitution.

Chronic deficits point up the shortcomings of elections and economic events as agents of change in congressional budgeting. To spur legislative action, an economic threat must be immediate, mammoth, and perceived as caused by deficits. Elections can bring in enough new legislators to shift the balance of fiscal opinion, but newcomers quickly manifest the program-centered thought prevalent among their older colleagues. Changing congressional membership mainly alters the programmatic mix of preferences in the institution but offers little likelihood of a legislative initiative to redirect overall fiscal policy. Elections are ultimately most consequential to fiscal policy in determining the occupant of the White House. Unless the chief executive can lead Congress toward a more far-reaching deficit solution than it can construct through its own internal bargaining, only unforeseen acts of God or the economy can force substantial cuts in the deficit.

What makes the president the prime mover in deficit reduction? The chief executive is more able to follow long-term stabilization objectives than the fragmented Congress and can resolve fiscal squabbles with remarkable speed—by changing his mind, as George Bush did about tax increases in 1990. Presidents probably know less about programs than the average member of Congress, and it is easier to simplify your approach to deficit reduction if your understanding of and allegiance to parts of the budget are simpler. This alone is no guarantee that a sound fiscal course will be trumpeted from the White House, as the 1980s vividly demonstrate. But the possibility of constructive action seems greater in an institution where one potentate focuses on the whole than in an institution comprised of 535 barons obsessed with parts.

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Theoretical Perspective

What lessons can the above analysis reveal about the limits and possibilities of Congress? It is clear that legislators have a serious interest in the public good, as defined by economic ideology and practical theories, which orients much of their behavior. This fact does not comport well with either of two major theories of political economy that base their explanations of fiscal events upon deductive postulates. One, the theory of public choice, assumes microeconomic motives produce plausible explanations of budget actions in Congress.[50] Another, academic Marxism, examines congressional actions from a class perspective.[51] Each follows a similar explanatory procedure: salient concepts of human nature and behavior are asserted; a particular situation is analyzed from the perspective of such concepts; and the concepts are found to explain the fundamental aspects of the behavior examined.

This type of explanation can illuminate aspects of congressional fiscal action but suffers from two defects that limit its utility. First, by attributing narrow motives to politicians, it shrinks the world of politics to an analytically manageable size and in so doing limits our understanding of political possibility. Second, it denies that we can understand what politicians are doing by reference to their own thoughts and explanations; rather, the noises of officeholders mask the grander reality. Legislative life is supposedly less about policy argument than about market-type transactions or class conflict.

Consider in this context public choice theory. James Buchanan and Richard Wagner describe their model as "not at all complex, and it offers satisfactory explanations" of the recent fiscal record.[52] Lawmakers are assumed to be vote-maximizers, voters benefit-maximizers, and bureaucrats power-maximizers, leading to deficit financing as an endemic feature of national fiscal policy. Legislators bear primary guilt for deficit spending, as they distribute benefits to garner votes. Unfortunately, acceptance of this model requires the dismissal of certain inconvenient facts. The argument "ignores both the fact that until 1980 the public debt as a percentage of GNP fell steadily throughout the postwar period and the fact that Congress seldom increases expenditures or cuts taxes much beyond what the president proposes."[53] Fiscal politics is simply more complex than the model asserts.

Buchanan has admitted the limited explanatory utility of the model in a recent

[50] Of the large literature on public choice, one work presenting many of its precepts in an accessible manner is James Buchanan and Richard Wagner, *Democracy in Deficit: The Political Legacy of Lord Keynes* (New York: Academic Press, 1977).

[51] A thorough summary of recent Marxist analysis by American academics can be found in Martin Carnoy, *The State and Democratic Theory* (Princeton, NJ: Princeton University Press, 1984), chap. 8.

[52] Buchanan and Wagner, *Democracy in Deficit*, 9.

[53] Paul E. Peterson and Mark Rom, "Macroeconomic Policymaking: Who Is In Control?" in John E. Chubb and Paul E. Peterson, eds., *Can the Government Govern?* (Washington, DC: Brookings Institution, 1989), 178.

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article.[54] The advent of deficits, he acknowledges, has not resulted from iron laws of self-seeking behavior, but rather due to a "breakdown in moral constraints."[55] These constraints are "the product of biological evolution, cultural evolution, and possibly, rationally calculated moral pre-commitment."[56] Here is an admission that thoughts other than those deductively asserted by public choice models direct legislative behavior. Buchanan is correct in averring that pleasing constituents through spending does not constitute the universe of legislative motivations. Moral reasoning is complex; legislators define the fiscal good and bad variously and act accordingly. The desire to distribute benefits is only one current in a broad and complex flow of thoughts. One cannot understand the course of a river's channel by reference only to one of many powerful currents.

Marxist analysis is much more empirically elusive than that of public choice; practically any behavior in a capitalist society can be related in some way to its deductive categories. Once the material basis of human life is assumed, classes are introduced and declared antagonistic. The role of the state, whether "relatively autonomous" or not, can be examined and explanations of deficits can be composed. One scholar of this persuasion to address deficits with particular thoroughness is James O'Connor.[57]

For O'Connor, the state in capitalist society has two main and often mutually contradictory functions: "accumulation and legitimation. This means that the state must try to maintain or create the conditions in which profitable capital accumulation is possible. However, the state also must try to maintain and create the conditions for social harmony" by preserving its popular legitimacy.[58] Governmental spending is of two functional sorts: social capital ("spending required for capital accumulation") and social expenses ("projects and services required to maintain social harmony").[59] In the 1970s, the state entered a period of fiscal crisis, defined as a tendency for state spending to outstrip its revenues. The state could not effectively discharge its accumulation and legitimation functions simultaneously. This meant that economic performance might founder and governmental legitimacy decline, as it did in the late 1970s. In this way, O'Connor claimed that the "theory of economic growth depends on class and political analyses of the determinants of the budget."[60]

A more empirical examination of fiscal politics calls into question this broad formulation. It cannot be disputed that national budgets reflect the configuration of social and economic power and status found within nations, but this occurs

[54] James Buchanan, "Budgetary Bias in Post-Keynesian Politics: the Erosion and Potential Replacement of Fiscal Norms" in James Buchanan, Charles Rowley, and Robert Tollison, eds., *Deficits* (New York: Basil Blackwell, 1987).

[55] Ibid., 181.

[56] Ibid., 183.

[57] James O'Connor, *The Fiscal Crisis of the State* (New York: St. Martin's Press, 1973).

[58] Ibid., 9.

[59] Ibid., 9–10.

[60] Ibid., 8.

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regardless of whether their means of production is publicly or privately owned. Further, actual governmental behavior fits Marxist categories at best roughly. As White and Wildavsky note: "The more empirical Marxist scholars become, the more they investigate specific decisions, the harder it is to distinguish their evidence from that of ordinary social science."[61] Fred Block, seeking to justify more precisely than does O'Connor the "relative autonomy" of the state, argues that "ruling class members who devote substantial energy to policy formation become atypical of their class, since they are forced to look at the world from the perspective of state managers. They are quite likely to diverge ideologically from politically unengaged ruling class opinion."[62] Why use class categories to explain their behavior then? For Block, such autonomy can never be divorced from class analysis; ultimately any explanation, to be true, must be framed by the proper deductive categories.

Another problem lies in the very definition of the state itself. How can one begin to define the multitudinous actors located in disparate institutional locations in Washington as a unified state unless they are all charged with some broad authority of system maintenance? But this is a duty discharged by every government in the world, and usefully so. To use the term "state" in this sense may be accurate but has little to do with class analysis. To view the state as acting primarily in response to established power structures does not require that we first understand all such structures in a class framework. Such a deduction assumes legislators operate in a context to which they are oblivious and requires that we discount their expressed motives and reasons as not grounded in the ultimate reality of class relations. The analyst can then reduce discussion about government to matters of functional impact upon the processes of accumulation and legitimation in a capitalist polity. As with public choice theory, what lawmakers say they are doing is not what they are doing; only the deductive analyst knows with confidence what they are doing.

Both public choice and Marxist analysis underplay the importance of intentionality in legislative action. By intentionality I mean the concept that politics is driven by the conscious intentions of actors as evident in their speech and action. Legislative behavior is not easily captured by deductive generalization; careful empirical analysis requires that such broad conclusions be heavily qualified. Yes, members do like to keep moneys flowing back home and are concerned about the interests of finance capital when making budget decisions; and the two theoretical approaches discussed above assist us in understanding these phenomena. Neither of these tendencies alone, though, explains the twisting fiscal course of the 1980s in Congress. The roots of legislative thinking and behavior are various, encompassing practical theories, ideological beliefs, and political calculations.

[61] Joseph White and Aaron Wildavsky, "Public Authority and the Public Interest: What the 1980s Budget Battles Tell Us About the American State," *Journal of Theoretical Politics* 9 (January 1989): 9.

[62] Fred Block, "The Ruling Class Does Not Rule: Notes on the Marxist Theory of the State," *Socialist Revolution* 33 (1977): 7–8.

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Public choice and fiscal crisis theory, by understating intentionality, manage to overstate the import of recent fiscal problems. Both suggest that fiscal imbalance is deeply rooted in the structure of the political system and that only drastic measures can solve it. The actual explanation is not so grand. Deficits can be traced to the intentions of an institutional actor, the president, and to the perception of political costs in the minds of legislators. In the 1980s, political risks increased primarily due to the stubbornness of a popular president. The higher political costs—to ideology (good programs might be cut; bad taxes might be raised) and reelection—created protective motivations and brought on chronic deficits. There is nothing deductively automatic about this. A legislative-executive budget accord to reduce the deficits remained possible through the 1980s. It could have satisfied legislator fears about reelection, soothed nervous capital markets, and ameliorated the fiscal problem simultaneously. Such an accord arrived in 1990; others may be possible (and certainly will be necessary) in the future. One need not look to Marx or microeconomics for an explanation, but rather to the thought and actions of Ronald Reagan, George Bush, and the Congress.

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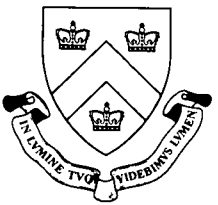

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The Dual Agenda of African American Organizations since the New Deal: Social Welfare Policies and Civil Rights

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There are several extant discussions of public policy, race, and politics in professional journals, books, popular media, and on the political stump. These discussions involve debates about the "underclass," about the most appropriate approaches to dealing with long-standing problems of racial discrimination, as well as the impact of racial issues on the major political parties, especially the Democratic party. The Supreme Court nomination of Clarence Thomas focused more attention on a group of African American conservatives who have challenged what they call the outmoded policies of the traditional civil rights movement. One of the discussions, which this article joins, has centered on concerns about the most effective ways to deal with the persisting socioeconomic problems of a vast number of African Americans. Some argue that these economic problems should take precedence over specifically defined "civil rights, race-specific" issues, and the civil rights groups should opt for more "universal" policies, ones that deal not only with race, but with the class dimension. In this way, the argument goes, the political coalitional base will be broadened, and blacks will benefit along with many others similarly situated. This is referred to as the "hidden agenda" of race politics. Others have pointed out that the explicit

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emphasis on race has over the last twenty years sent many former Democrats and supporters of civil rights into the Republican party ranks, thus diminishing the earlier coalition that brought to fruition the political achievements of the liberal and civil rights movements in the 1960s. The current admonition is that the civil rights forces need to focus much more on social welfare, less on civil rights. Unlike the conservative vs. liberal debate, this discussion is mainly one between left-of-center forces, ones who see themselves as progressive in both economic and racial matters. The suggestion is also made that the civil rights organizations have failed to recognize the central importance of socioeconomic structural consequences for poverty on not only blacks but other poor people as well. The charge is that the emphasis on civil rights per se has been too narrow, too race-focused, not only in the 1990s and 1960s, but even earlier. The argument is made that the social welfare agenda, one addressing the needs of *all* poor, black and white, has not received nearly the attention from civil rights groups that has been given the civil rights agenda. This emphasis, it is asserted, has been to the political and economic detriment of masses of black Americans. And the obvious conclusion is that this oversight needs to be remedied as liberals move into the 1990s and think about the kinds of politics necessary to mount viable political coalitions and fashion relevant policy demands.[1]

This article joins this particular discussion and examines the historical position taken by the major civil rights groups as far back as the New Deal. We focus on the two oldest and largest, the National Association for the Advancement of Colored People (NAACP) and the National Urban League (NUL). We contend that these civil rights groups have always understood the existence of *two* agendas: social welfare *and* civil rights, and they have attempted to deal with both. The struggle to achieve the goals of the civil rights agenda is well known. Much less is known about what those groups attempted to achieve regarding the social welfare agenda and how they responded to the political realities facing them over the decades. Indeed, many of the arguments made today about subordinating the race concern to the larger societal concern were made decades ago. Many of the warnings about political backlash made today were made decades before. In other words, harsh political realities faced in the 1990s are not new to the civil rights groups, who have always had to balance legitimate concerns for *both* agendas on a delicate scale of political calculation and pragmatic politics. Greater understanding of this history ought to improve discussion of the politics of race and social welfare today.

Concern about Other Matters

On 2 July 1939, Eleanor Roosevelt gave a speech before the 30th Annual Conference of the NAACP in Richmond, Virginia. She stated:

[1] William Julius Wilson, *The Truly Disadvantaged* (Chicago: University of Chicago Press, 1987); William Julius Wilson, "Race-Neutral Policies and the Democratic Coalition," *The American Prospect* 1 (Spring 1990): 74–81; Jim Sleeper, *The Closest of Strangers: Liberalism and the Politics of*

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> It is a great pleasure to me to be here today, but I think I should say at the start that while I think you have been considering subjects which are of primary importance to you as a group in this nation, I feel that I must talk to you as citizens of the United States on things which are not only of interest to you but which are of interest to every citizen in this country.[2]

Her point was that civil rights groups ought to be concerned with broader socioeconomic issues beyond the more narrow interests of their constituents in civil rights. In her speech she specifically mentioned education and health care, and she made reference to the "plight of *all* young people."

This was an often heard admonition to civil rights groups then. As far as we can tell, there were likely few, if any, in that audience that evening who disagreed with her. Certainly, the NAACP's leadership did not disagree. But the leaders must have had a sense of frustration, because they knew that they *had* been devoting a fair amount of attention over the decade precisely to such universal economic issues. Walter White, executive secretary of the NAACP, probably was turning over in his mind the correspondence two years earlier in 1937 between himself and Congressman Dow W. Harter (Ohio). Mr. White had received acknowledgment of a letter he had sent to several members of Congress. Harter's 25 October 1937 response read:

> Dear Mr. White:
>
> This will acknowledge receipt of your letter of October 21st. The Record will disclose that I have always been in favor of anti-lynching legislation. I am hopeful that a satisfactory bill may be passed at the coming session.
>
> Very truly yours.

The next day, Walter White responded:

> My dear Mr. Harter:
>
> Thank you for your good letter of October 25. However, my letter to you of October 21 was not about the anti-lynching bill but regarding the passage of a nondiscriminatory wages and hours bill at the next session of Congress. I am not surprised that you assumed that my communication had reference to the anti-lynching bill since that has been the subject of our correspondence for so long a time. *But you can see from my letter of the 21st that after all I can write about other matters.*
>
> Ever sincerely[3]

Race in New York (New York: Norton, 1990); Thomas B. Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1992); Theda Skocpol, "Sustainable Social Policy: Fighting Poverty Without Poverty Programs," *The American Prospect* 1 (Summer 1990): 58–70.

[2] Address by Eleanor Roosevelt before the National Association for the Advancement of Colored People (NAACP) Annual Conference, 2 July 1939, Richmond, Virginia, NAACP Papers, Manuscript Division, Library of Congress, Group 1, Box B-17.

[3] Correspondence between Congressman Dow W. Harter and Walter White, 25 October 1937, 26 October 1937, NAACP Papers, Group 1, C-256. (Emphasis added.)

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There *has* been over the past sixty years a social welfare agenda that has attempted to do what Eleanor Roosevelt advocated and many current-day analysts suggest. We know, understandably, a lot about the civil rights agenda. We know about the struggle to overturn *de jure* segregation, but very little is known about the struggle to achieve viable social welfare goals. Even in the 1930s complaints and criticisms were heard from blacks and whites urging the civil rights groups to pay more attention to socioeconomic problems. No less a sensitive activist-scholar than Ralph Bunche severely charged:

> It is typical of Negro organizations that they concern themselves not with the broad social and political implications of such policies as government relief, housing, socialized medicine, unemployment and old-age insurance, wages and hours laws, etc., but only with the purely racial aspects of such policies. They are content to let the white citizen determine the expediency of major policies, and the form and direction they will assume, while they set themselves up as watch dogs over relatively petty issues, as whether the Negro will get his proper share of the benefits and whether the laws, once made, will be fairly administered. They thus demark for the Negro a residual function in the society.[4]

Research in the archives of these organizations reveals a quite different story, that the organizations, in fact, had a dual agenda.

We focus on the following questions: What did these civil rights groups say and do about such other matters as social security, the various New Deal programs, health care, and employment? To what extent did they have a dual agenda that attempted to address not only civil rights issues but the broader socioeconomic issues as well? And equally important: how has that dual agenda evolved over the last sixty years? That is, what were the reactions to the civil rights groups as they pursued the dual agenda, and how did these reactions affect subsequent strategy choices?

We identify three distinct stages in the evolution of the dual agenda. *The Consensual Stage, the years of the New Deal into post-World War II.* The organizations attempted to reconcile their social welfare policy agenda with their civil rights agenda. Sometimes they even agreed to subordinate the latter to the former, when the political realities of the time indicated that civil rights issues were not popular and would only hinder the possible achievement of liberal social policies.

The Conflictual Stage, the 1950s into the early 1960s. During the conversion to a peace-time economy and the heightened mobilization of the civil rights movement we find continued agreement with the basic principles of the liberal-progressive forces pushing for particular kinds of social welfare polices. But now we see a new development, no longer a willingness to subordinate the civil rights agenda to the social welfare agenda. This development precipitated an intense

[4] Ralph J. Bunche, "The Progress of Organizations Devoted to the Improvement of the Status of the American Negro," *The Journal of Negro Education* 8 (July 1939): 539-550.

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debate within liberal circles, coming close at times to mutual questioning not only of strategy and tactics but of veracity.

The Complementary Stage, beginning with the mid-1960s. On the heels of victories over *de jure* segregation and discrimination and with the rising concern about issues of poverty, still another shift occurred. The organizations, as before, supported liberal social welfare policies (for example, full employment, expanded health care, increased governmental attention to the poor). But now they began to say that more was needed. Socioeconomic conditions had become so severe among some groups (especially blacks and Latinos) that more would be needed in the way of governmental assistance for these groups if the conditions were to be overcome. The legacy of decades of neglect, of failure to deal adequately earlier, now required more than mere attention to the problems of everyone. A vast left-out group had formed, and additional, targeted social policies would be needed. Thus, the dual agenda took on a complementary dimension, which spoke of something in addition, of filling out or completing. At the same time, the civil rights groups would continue to push for the end to discrimination and to overcome the effects of past discrimination.

Each stage, of course, was influenced by its own peculiar brand of national politics and the economic environment. But an important point to emphasize is that throughout this sixty-year period, there has always been, in political terms at least, a distinction between social welfare issues and civil rights issues. This distinction became blurred in the euphoria of the mid-1960s with the passage of both civil rights laws and antipoverty legislation when official and activist rhetoric began to equate racial conditions with poverty (almost exclusively economic conditions).

The Consensual Stage

The New Deal is the proper beginning for this discussion, because then this country launched its modern-day version of the American welfare-state. With the Social Security Act of 1935, the country established a two-tier social welfare system.

The first tier (social insurance) was contributory, funded from payroll taxes levied on employers and employees. Covering retirement pension and unemployment compensation, it has expanded over the years to include dependents, survivors, disability, and health insurance. This was indeed landmark legislation coming out of the crisis of the Great Depression. In many ways, it laid a sound foundation for the future economic protection of a working-class America. It was based in the labor market. One was able to participate in this new, important social insurance system *if* one had a job that was covered by its benefits.

The second tier (public assistance) was for those unable and generally not expected to work. This included dependent children (Aid to Dependent Children, later expanded to Aid to Families with Dependent Children) and the elderly poor

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who had not contributed to the social security fund. It has expanded to include disability and health care assistance. This category of assistance was means-tested, meaning that one had to prove that one was poor and in need. But it was also perceived to provide help on a temporary basis, because the able-bodied recipients were expected eventually to enter the labor market and become self-supporting. The elderly and to some extent the disabled, of course, were considered deserving of help for the remainder of their lives.

The NUL and the NAACP certainly agreed with the ideological premises of the legislation. They also agreed that government should develop mechanisms for social security and that the labor market should be the basis for receiving benefits in the first tier. But they did not support the bill, because it did not coincide with their social welfare agenda, that is, universal coverage under the first tier. The initial legislation did not cover agricultural and domestic workers, and this meant that initially a good two-thirds of the black labor force was not covered. Of 5.5 million black workers in the country, 2 million worked at that time in agriculture, and 1.5 million in domestic service. These occupations were left out, not, ostensibly because of their race but because of their unfortunate position in the labor market. Thus what was perceived by some as a universal program was not that at all.

Testifying before the Senate Finance Committee on 9 February 1935, Attorney Charles H. Houston of the NAACP stated:

> The NAACP regrets that it cannot support the Wagner Economic Security Bill (S. 1130). It approached the Bill with every inclination to support it, but the more it studied, the more holes appeared, until from a Negro's point of view it looks like a sieve with the holes just big enough for the majority of Negroes to fall through.[5]

He noted that provisions for old people (in the second tier) depended on the separate states adopting a program of assistance, and this was problematic in southern states where most elderly blacks lived. The NAACP thought it was likely that the black elderly would either be excluded from benefits or provided with very low levels of public assistance.

The NAACP favored a strictly federal old-age assistance program. The two tiers should be merged into one, under one national governmental program. Thus, the NAACP was not arguing for special treatment for blacks. The goal was to include blacks, to give them the same chance to be covered, to make it possible for them to contribute to the retirement funds, and therefore to be eligible for benefits. This meant, of course, being employed in occupations that were covered by the act. In this sense, the NAACP saw the social welfare agenda as consensual with the civil rights agenda. Both agendas sought no special treatment for blacks politically or economically. The appeal was economic, not race-specific.

[5] Testimony of Charles Hamilton Houston, U.S. Senate Finance Committee, 74th Congress, 1st sess. 9 February 1935, NAACP Papers, Group I, C-257.

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Houston testified: "As to the agricultural worker, the situation is galling. First, throw him out of employment under the cotton reduction program, and then set up a program which excludes him from unemployment insurance! Frustration on top of frustration."[6]

The National Urban League was also critical of the proposed social security legislation. Its representative, T. Arnold Hill, testified in favor of the much more comprehensive and radical Lundeen Bill, which indexed benefits to the cost of living and were to be financed with inheritance and gift taxes. In addition, "it provided protection to all workers who refused to work as strike breakers or at less than the average local or trade union wage." Hill was of the opinion that the poorest groups should have "first call" on the benefits of the act.[7]

When the civil rights organizations sought help from liberal-progressive groups, they were sadly disappointed. In a 26 February 1935 memo to his NAACP colleagues, Roy Wilkins described a meeting he had with Abraham Epstein, executive secretary of the American Association for Old Age Security, a liberal organization strongly pushing for the Wagner Social Security Act. The memo revealed the rejection the civil rights groups faced in their attempt to form coalitions with their liberal friends. Wilkins wrote:

> Mr. Epstein, who has known of the work of the Association [NAACP] for many years and who is familiar with most of the problems of Negroes stated that colored people were in a tight place as far as this legislation was concerned, but he did not see that there was anything that could be done about it. *He said frankly that he was interested, first, in social insurance and that he did not see how we can solve the Negro problem through social insurance; in other words, there are realities existing with respect to Negroes and whites in this country which no program of social insurance can undertake to correct.* He suggested (1) that the Association not concern itself about the *contributory* old age assistance or the exclusion of farmers, domestics, and casuals from this contributory system. *The exclusion of these people means that they will not be required to contribute toward an old age pension fund and will not, therefore, draw any benefits from it.* The chief reason for such exclusion is the difficulty of collecting and administering these contributions. (2) That the exclusion of farmers, domestics, and casuals from the contributory old age assistance does not exclude them from the *non-contributory* old age pensions, to which they are entitled regardless of contributions to the Fund.[8]

But this was precisely what the NUL and the NAACP did *not* want. The Urban League's motto was "Jobs, not alms." There was serious concern that people left out of the first-tier social insurance system would be precariously on the margins of the economy and would run the risk of becoming perennial dependents and wards of the state. The civil rights groups foresaw the long-term danger in this,

[6] Ibid.

[7] T. Arnold Hill, "A Statement of Opinion on H.R. 2822," 8 February 1935, National Urban League (NUL) Papers, National Urban League Library, New York, NY.

[8] Memo from Roy Wilkins to the Board of Directors, NAACP, 26 February 1935, NAACP Papers, Group 1, C-257. (Emphasis added.)

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so much so that they were decidely less interested in public assistance legislation. A 22 October 1947 NAACP memo on the need to amend the Social Security Act noted:

> The relief rolls are no substitute. Relief is a dole which robs a person of self-respect and initiative. Unemployment compensation is more like an insurance against hard times, and as insurance may be accepted with self-respect and self-assurance.[9]

As the civil rights groups saw mattters, the dual agenda was really but one. Their concern for social welfare went hand in hand with their concern for civil rights. They advocated a social welfare agenda that extended first-tier coverage to lower paying jobs. (This was an effective response to some critics, then and later, who criticized the two organizations for being inattentive to the lower, working class and more concerned with helping middle class, white collar blacks.) And they advocated a civil rights agenda that would make jobs in the first tier available on a nondiscriminatory basis.

To the two civil rights groups, these were consensual goals. They consistently supported the more progressive measures, such as the comprehensive Wagner-Murray-Dingell Social Security Bill in 1943–1944. They certainly favored national government efforts in the areas of more federal aid to education, health care, and public housing. And they were consistently and actively on the side of organized labor in fighting the anti-union Taft-Hartley Law.

In pursuing this consensual approach the organizations even agreed at times to subordinate the civil rights agenda to the social policy agenda. This was the case with their support for the Wagner-Murray-Dingell Bill. Although the NAACP endorsed the bill, it questioned the lack of "safeguards for minority groups." NAACP officials had discussed this with Senator Robert Wagner, who had no objection to amending the bill to include an antidiscriminatory clause. But in anticipation of a "spirited fight over the Bill," the NAACP decided to give the bill its "unqualified support even though it [did] not contain anti-discriminatory clauses." The legislation was too important to jeopardize, and including such a clause might "endanger the measure."[10] The same position was evident in the NAACP's support in 1945 for the proposed Full Employment Bill. The question arose: should the NAACP insist that the bill contain a provision against racial discrimination in hiring, a practice which was quite prevalent? For political reasons, the organization opted to go along with its liberal allies who counseled not to raise the civil rights issue. In a 1945 memo, Leslie Perry, the NAACP's Washington lobbyist, wrote to Walter White:

> I had a long talk on Friday, July 6, with Bertram Gross, a member of Senator Murray's staff who helped draft the Full Employment Bill. He stated that Senator Murray greatly

[9] Memo from Charles Hamilton Houston to Walter White, 22 October 1937, "Memorandum on Discrimination under the Federal Social Security Act," NAACP Papers, Group 1, C-406.

[10] Letter from Leslie Perry to Roy Wilkins, 11 February 1944, NAACP Files, NAACP Papers, Group II, A-521.

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> appreciated the resolution of the [NAACP] Board endorsing the Full Employment Bill. We discussed at some length the rationale of the bill. Gross called particular attention to the fact that the preamble states that it is the right of "all Americans" to be gainfully employed. *In those circumstances, he felt that no particular reference to racial groups as say, "without discrimination on account of race" was necessary. I heartily agree with him inasmuch as the bill will probably have tough going at best. If we put in it any provision which can be construed as a little FEPC [Fair Employment Practices Committee] its chances of enactment will be greatly lessened.* Frankly, in my judgment any such provision in the enactment clause would be completely meaningless in so far as it confers any positive benefits on minority races. I think that the establishment of a national budget with respect to total employment would be an important and far reaching step and that the bill, therefore, merits our all-out support.[11]

And the NAACP did support the bill, although the final version fell far short of obtaining full employment guarantees.[12] This was an effort on the part of the civil rights groups to accommodate the two agendas, even though accommodation might mean at times subordination of civil rights to social welfare policy.

The two organizations wrestled with the problem of how to reconcile the two agendas. In congressional testimony in 1946 in support of a national health bill (S.1606), the health policy adviser to the NAACP, Montague Cobb, stated:

> This Association [NAACP] is most acutely aware of the need for such legislation in respect to that segment of the population which it primarily represents (i.e., Negroes). It cannot be overemphasized, however, that health is not a racial problem, that the health conditions of Negroes are largely a reflection of their socio-economic circumstances, and that poor health in any segment of the population is a hazard to the nation as a whole.[13]

Cobb proceeded: ". . . The NAACP has a natural and vital interest in any measures which make for the improvement of the *general* health, particularly that of the economically poorly circumstanced." In his testimony, he constantly linked the health needs "of Negroes as well as of millions of whites in poor economic circumstances."[14]

Even though health care facilities in the local and state agencies would remain segregated, the NAACP, while expressing strong opposition and "concern" about that situation, opted not to push the issue, but to ask for fair, equitable treatment. In other words, it was prepared to support the liberal social policy, even though this meant maintaining the "separate but equal" racial practice. The same issue was faced on the subject of federal support for education in 1945. A proposed

[11] Memo to Walter White from Leslie Perry, 10 July 1945, NAACP Papers, Group II, A-111. (Emphasis added.)

[12] Stephen Kemp Bailey, *Congress Makes a Law, The Story Behind the Employment Act of 1946* (New York: Columbia University Press, 1950).

[13] Statement, "Support of National Health Bill, S. 1606, on Behalf of the National Association for the Advancement of Colored People," *Journal of the National Medical Association* 38 (July 1946): 133–137.

[14] Ibid., 134. (Emphasis added.)

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measure, S. 181, Educational Finance Act of 1945, clearly would not deal with the problem of segregated schools. Nonetheless, the NAACP felt compelled to support the bill. Testifying before a Senate committee, Leslie Perry stated:

> While this legislation will not wipe out existing differentials obtaining in State expenditures for Negro and white schools, current estimates of the funds Negro schools will receive under it indicate that in practically every one of these States per capita expenditures for Negro pupils and teachers will increase by more than 100 percent. . . .
>
> As much as we deplore the discriminatory action of many States . . . I want to make it clear that we do not regard this legislation as a proper vehicle or means of correcting this type of inequality.[15]

No one misunderstood the political bind the civil rights groups were in; they had to make hard strategic decisions given the political realities facing them. In fact, Perry testified that the organization would continue its fight through the courts challenging the segregated school systems. The organization was reconciling the two agendas by dealing with them in separate political decision-making arenas.

The Conflictural Stage

The benefits from social welfare, however, did not keep pace with the changes in the private sector economy and with the negative consequences of continued segregation and discrimination in the society. Structural economic developments—automation, urban renewal, factories moving out of the inner cities, suburban growth, continued racial segregation and discrimination—combined to limit participation of black Americans in the mainstream economy. In 1949 the NAACP began to pursue a strategy that put the liberals' social welfare agenda in open conflict with the civil rights agenda. The organization even drafted amendments to liberal social legislation that called for no federal funds to be allocated to any local district or state that would use such funds in a racially segregated or discriminatory manner. The vehicle for this was the controversial Powell Amendment, named after its congressional sponsor, Representative Adam Clayton Powell, Jr. from Harlem in New York. The catalyst, in fact, for this major shift in strategy was President Harry Truman's Committee on Civil Rights. The committee's 1947 Report, *To Secure These Rights*, went far beyond anything to date that spoke to forceful implementation of civil rights by the national government. Composed of a panel of independent-minded private citizens, the committee recommended:

[15] Testimony of Leslie Perry, administrative assistant, Washington Bureau of the NAACP before the Senate Education and Labor Committee on S. 181, Educational Finance Act of 1945, 31 January 1945, NAACP Papers, Group II, A-663.

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> The conditioning by Congress of all federal grants-in-aid and other forms of federal assistance to public or private agencies for any purpose on the absence of discrimination and segregation based on race, color, creed, or national origin.[16]

Charles H. Houston of the NAACP urged the committee not to issue such a recommendation. In testimony before the committee, he felt that such action very likely would result in rejecting the aid funds ". . . and you would fail to give aid to people who need it most."[17]

But after the report's strong stand, the NAACP pursued the strategy in collaboration with Powell.[18] Clearly, the position of such a prestigious presidential committee would carry enormous weight with public opinion, or so it was hoped. At any rate, the main civil rights group could hardly be caught lagging in this matter. Its role was to lead, not follow. Perhaps this was the shift in political climate they could seize to make a major new thrust in the struggle for civil rights.

The point was that the organization decided not to continue the subordination strategy, and to argue that unless the civil rights agenda was included, then the social welfare agenda should not be enacted. Evidence was mounting even then that a rising tide did not necessarily lift all boats. Even with economic growth and universal programs, some people could and would be left behind.

The civil rights groups still favored the basic socioeconomic goals of the liberal agenda, but they were no longer sanguine that subordination of the civil rights agenda would yield the ultimate benefits sought. This strategy of denying funds to segregated facilities created an intense debate within liberal civil rights circles. Even some NAACP board members objected, as did Walter Reuther of the United Auto Workers, Eleanor Roosevelt, and liberal senators and representatives such as Paul Douglas of Illinois and Stewart Udall of Arizona. They argued that to continue to insist on the Powell Amendment would mean the defeat of otherwise very good and badly needed progressive social legislation. Not enough votes could be obtained in Congress, and this would give the southerners and conservatives cause to rejoice. Such a strategy, they concluded, would get neither the social legislation nor the civil rights protections.[19]

Congressman Udall pleaded in a letter to Clarence Mitchell of the NAACP's Washington Bureau and a staunch proponent of the Powell Amendment not to mix civil rights with aid to education:

> Of course, there is room for honest disagreement on this whole question. Perhaps our main differences arise from the fact that by habit we are schooled in the art of the

[16] *To Secure These Rights, The Report of the President's Committee on Civil Rights* (New York: Simon & Schuster, 1947), 166.

[17] William E. Juhnke, "President Truman's Committee on Civil Rights: The Interaction of Politics, Protest, and Presidential Advisory Commission," *Presidential Studies Quarterly* 14 (Summer 1989): 593–610, cited at 601.

[18] See Charles V. Hamilton, *Adam Clayton Powell, Jr., The Political Biography of an American Dilemma* (New York: Atheneum, 1991), esp. chap. 10.

[19] Ibid., 224.

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possible, while *principle* is the central thing in your work—and rightly so. Sometimes in our desire to get half-a-loaf, our principles hang on the brink (and sometimes go over), but generally speaking we have found that a modest program is better than none.[20]

Senator Paul Douglas stated in a letter to the NAACP:

I have joined in sponsoring 11 specific civil rights bills, and I will fight for them. But I wonder if our best chance for such gains is not in narrowing the issue so that our real supporters may all stand up and be counted on a single, clear civil rights issue, rather than being divided by a combination proposal which some proponents of all welfare legislation, joined with opponents of civil rights, will help to defeat.[21]

These were arguments the civil rights organizations had heard before and understood. But their political patience had run out. They had seen too often that otherwise good social legislation did not necessarily lead to sufficient advancement for blacks. And all the while some blacks were falling farther and farther behind. Roy Wilkins expressed the impatience and wariness in a letter to a group of liberals in New York who wanted the NAACP to back off:

Our Association is committed to federal aid to education, but with assurances in the legislation that funds will not be used to further segregation. It would seem that the friends of federal aid might well expend some of their persuasive powers on those who want to have their cake (segregation) and eat it, too (federal aid).[22]

The NAACP officials were keenly aware of the clash between the two agendas. Clarence Mitchell broached the issue directly when he stated that the NAACP "supported the great programs that improve the lot of the common man." But there were other equally important concerns, namely, civil rights. Mitchell's biographer quotes Mitchell as saying:

But blacks also wanted "an FEPC law to guarantee that we can get jobs in those plants where the minimum wage is a dollar or more. Blacks wanted to walk in the front door of hospitals that receive Federal grants instead of having to sneak in through the back door and ride up on the freight elevator to the wards or clinics. . . . We want enough civil rights bills passed to make it possible for us to enjoy the great benefits of social welfare laws without the threat of being shot down or bombed just because we also want to vote and enjoy the full rights of American citizenship in Atlanta, Georgia, as well as Atlantic City, New Jersey."[23]

[20] Letter from Stewart Udall to Clarence Mitchell, 1 July 1955, NAACP Washington Bureau Papers, Box 71, Manuscript Division, Library of Congress.

[21] Letter from Senator Paul Douglas to Clarence Mitchell, 11 March 1955, NAACP Washington Bureau Papers, Box 71, Manuscript Division, Library of Congress.

[22] Letter from Roy Wilkins to Frederick F. Greenman, New York State Committee for the White House Conference on Education, 15 November 1955, NAACP Washington Bureau Papers, Box 71, Manuscript Division, Library of Congress.

[23] Cited in Denton L. Watson, *Lion In the Lobby, Clarence Mitchell, Jr.'s Struggle for the Passage of Civil Rights Laws* (New York: William Morrow, 1990), 333.

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This overtly conflicting stage of the dual agenda effectively ended with the passage of Title VI of the Civil Rights Law of 1964. That provision prohibited the use of federal funds in segregated facilities, exactly what the NAACP and the Powell Amendment sought. Now, for all official purposes racial segregation and discrimination were ended. De jure segregation was no longer sanctioned in those areas under the purview of federal protection. But this did not address an array of issues left in its wake. There was still discrimination in the private housing market; there were still problems of discrimination in voting regulations and laws; there were still educational systems that were segregated and not rapidly implementing the school desegregation decision of a decade before. Above all, there remained a class of citizens on the economic fringes of society. They were never effectively brought into the first-tier social insurance system; and when they were, they came in at the lower rungs of the labor market. Years of refusal to deal with a viable social welfare agenda advocated by the civil rights groups left a legacy as the society moved into the late-1960s and beyond.

The victories of the civil rights agenda—Supreme Court decisions, Civil Rights Act of 1964, Voting Rights Act of 1965, executive decrees of the early 1960s, Housing Law of 1968—set the stage for more concentrated attention to the social problems still persisting.

The Complementary Stage

Thus far we have emphasized the basic purposes and content of some of the social welfare policies of the civil rights groups. In the consensual stage the goal was to be included, to make the various New Deal programs truly universal, not restricted by race or other economic conditions. While the political realities made this goal unattainable, the groups persisted. At times, in the face of certain political realities, they reluctantly agreed to subordinate their civil rights agenda to the social welfare agenda in the hope that even within a racially segregated society there would be benefits of a substantial nature to blacks.

In the conflictual stage, the deliberate purpose was to challenge the political realities of the time, to put the two agendas into direct conflict. This was the experiential recognition that while the political realities were essentially the same as before, there was another reality: that unless the civil rights agenda was dealt with, blacks would likely end up permanently behind and, in fact, not be accorded sufficient benefits from the new and expanding social welfare policies. Structural socioeconomic changes were occurring that led to the conclusion that economic growth could occur for many and still leave others outside the orbit of a steadily advancing prosperity.

In each of the two stages, the civil rights groups understood that blacks shared common needs with other disadvantaged groups in the society. They never denied this relationship, but they also wanted the other recognition that race per se was also a factor that had to be dealt with. It was, indeed, during the conflictual stage

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that the mounting civil rights movement began to achieve its greatest victories in the courts and Congress over segregation and discrimination. Ironically, these victories created tension among some civil rights allies. The argument was made that it was not necessary to put the two agendas into conflict inasmuch as racial equality was being achieved. In time, it was hoped, separate civil rights laws would settle the racial issue. Thus, liberal social welfare policies should be pursued on their own merits, unhampered by appeals to race-specific remedies.

This argument was not entirely persuasive among some civil rights advocates. In April 1963, Clarence Mitchell testified before a House subcommittee about the discriminatory practices in administering the Manpower Development and Training Act:

> In its report on vocational training and apprenticeship, the Civil Rights Commission pointed out that there was a wide difference between the types of training offered at so-called Negro vocational schools and the training offered at schools predominantly white.
>
> Electronics, tool and die design, and machine shop training are vital areas for today's job training. These are made available to white young people, but even in many of the school systems that are supposed to be desegregated, the colored children are still jammed into such things as shoe repairing, dry cleaning, and auto mechanics. Very often even these courses use inferior equipment and those who take them come out unsuited for employment. . . . It is just amazing to see the difference between the type of training that is given in one school and in the other.[24]

The National Urban League was also sensitive to certain proposed aspects of the New Frontier's Vocational Education Act of 1963. Otis E. Finley testified that the NUL was wary of a provision that based allocation of funds on a needs-assessment by the states: "The experience of the Urban League indicates that this basis of need has always posed a problem with Negro youth." Suggesting that the basis for receiving educational funds should be a national needs test, he stated:

> . . . I would suggest that any consideration of the adoption of the Vocational Education Act would take a long hard look at this requirement of allotting funds on the basis of needs as determined by States and sections. . . . Expand vocational and technical training programs consistent with employment possibilities and *national* needs.
>
> The present needs of vocational education require massive financial support. Unless immediate steps are taken to provide these funds, the cost to the Nation will be even greater. *We face a clear alternative of providing our children with the best in education and training or paying for increased welfare costs, higher crime rates, and human demoralization. Either way money will be spent.*
>
> The Urban League believes that the problems confronting education today transcend State and local concerns, and thus now become an urgent national concern.[25]

[24] Testimony of Clarence Mitchell before the House General Subcommittee on Education and Labor, 26 April 1963, Hearings, 88th Congress, 1st sess., 604–605.

[25] Testimony of Otis E. Finley, assistant director in charge of Education and Youth Incentive,

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Without question, there was a new, more liberal political environment in Washington and throughout most of the country in the 1960s. But the civil rights groups were aware that with the increase in social welfare legislation, there still had to be attention paid to the problems of continuing racial discrimination.

What developed in the early 1960s was the view that special efforts had to be made to help those, especially blacks, who had been left out for so long. Whitney M. Young, Jr. of the NUL proposed a domestic Marshall plan. Essentially a proposal to provide compensatory assistance on a massive scale, the NUL was going on record in favor of preferential treatment. In a speech at the National Conference of Churches in New York City on 30 January 1965, he told the audience:

> I say that for a century Negroes have borne a disproportionate burden of unemployment, and now it is of disaster proportions, and that emergency aid is needed. Not tomorrow, but now. Not when "full employment" is achieved, for there is no evidence that we will have full employment in the foreseeable future unless extraordinary emergency action is taken—but now.
>
> That is why the Urban League has called for special effort in employment, as well as in education, housing, health, and welfare. These are the crucial areas of concern in making equality a meaningful reality for Negroes. . . . A special effort in the area of employment for Negroes must be made.[26]

Years of failure to reconcile the two agendas during the consensual and conflictual stages had created a class of people with these special needs. This new complementary stage of the dual agenda would emphasize support as before for the universal social welfare programs, and it would also call for additional help for the most needy, especially blacks.

There was also a new dimension to the civil rights struggle at that point. In addition to the two older organizations, other organizations and leaders were emerging: Martin Luther King, Jr. and the Southern Christian Leadership Conference [SCLC]; James Farmer and the Congress of Racial Equality [CORE], (although founded in the early 1940s, its ranks now were growing with the Freedom Rides of 1961); the Student Nonviolent Coordinating Committee [SNCC]; Bayard Rustin (by no means new on the scene, but given greater prominence from his role as coordinator of the 1963 March on Washington) and in

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National Urban League, before the House General Subcommittee on Education and Labor, 88th Congress. 1st sess., 9 April 1963, 529–534. (Emphasis added.)

[26] Remarks by Whitney M. Young, Jr. before the State of the Race Conference held at the National Council of Churches, 475 Riverside Drive, New York City, 30 January 1965, A. Philip Randolph Papers, Library of Congress. Several histories of this period have linked Young's thoughts to the speech by President Lyndon B. Johnson at Howard University on 4 June 1965. In that commencement address, Johnson talked of the "next, more profound stage of the battle for civil rights," namely, providing special efforts for those denied for so many years. ". . . equal opportunity is essential, but not enough." See Lee Rainwater and William L. Yancey, eds., *The Moynihan Report and the Politics of Controversy* (Cambridge, MA: M.I.T. Press. 1967).

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the late 1960s, George Wiley and the National Welfare Rights Organization [NWRO]. There were also numerous local protest and community activist groups around the country of varying sizes and duration, many developed out of the antipoverty programs of the Great Society.

In 1966, a major proposal, the Freedom Budget, was made by the A. Philip Randolph Institute under the direction of the venerable labor leader, A. Philip Randolph, and Bayard Rustin, calling for a $180 billion ten-year commitment to deal with the country's major socioeconomic problems. Drawn up by liberal black and white economists and policy analysts, the document was signed by many civil rights, liberal, labor, and religious leaders. This was distinctly not a racially-specific proposal, but everyone recognized the benefits to blacks if it were taken seriously. A central feature was the creation of jobs and the attainment of full employment. It was clearly an attempt to combine the class and race components of what had become a complex set of interrelated problems. But its price tag, apparently, was too high.

At one Senate subcommittee hearing, a witness suggested "that a careful reading of volumes like the Freedom Budget would be of very great value in terms of thinking on the part of our legislators toward really the eradication of poverty."[27] Senator Joseph Clark (D-PA) was blunt and candid in his response:

> . . . I have had a look at the [Freedom] budget and I think in the best of all possible worlds, it would be a wonderful thing but as a matter of pragmatic politics, it seems to me utterly unrealistic. . . . and I don't think our constituents are anywhere near ready for that budget.[28]

The Poor People's Campaign, initially under King's leadership before his assassination, and the Wiley-led welfare rights movement gave further indication of the move toward greater attention to economic needs of poor people. Both movements were deliberately aimed at crossing racial lines and carving out a social welfare agenda of a decidely liberal-progressive orientation. At his death in 1973, George Wiley was beginning to form a new organization, the Movement for Economic Justice, that would attempt to address in a comprehensive way the economic needs of a "majority" of Americans, namely those concerned about equitable redistribution of income, adequate jobs, and tax reform.

When the Nixon administration introduced the Family Assistance Plan [FAP], calling for a form of negative income tax and a guaranteed annual income, along with a "workfare" provision, most civil rights groups followed the lead of George Wiley of the NWRO and opposed the plan. Essentially, in their view, the amount to be received per poor family was too low. The new head of the National Urban League, Vernon E. Jordan, Jr., was clear in his deference to Wiley on this issue:

[27] Testimony by Arthur C. Logan, chairman, Antipoverty Committee, United Neighborhood Houses, New York City, before U.S. Senate Subcommittee on Employment, Manpower, and Poverty, Hearings held in New York City, 8 May 1967, 90th Congress. 1st sess.

[28] Ibid.

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George did the best organizing job of anybody after the sixties had reached their peak. When it came to welfare legislation, I was very impressed with his detailed knowledge. He could quote from page four of the bill and he knew what section A meant, and that was very important. He commanded support.[29]

Throughout the 1970s one of the main items on the social welfare agenda of the various civil rights groups was full employment. The specific legislative proposal was the Humphrey-Hawkins Full Employment Bill, which was the catalyst for the creation of an umbrella organization, the Full Employment Action Council, a coalition of civil rights, labor, business, religious, academic, and liberal interest groups. Appropriately, it was cochaired by Murray H. Finley, president of the Amalgamated Clothing Workers of America, AFL-CIO, and Coretta Scott King, president of the Martin Luther King, Jr. Center for Nonviolent Social Change. Again, as with the Freedom Budget, the full employment bill was by no means a race-specific proposal. As its proponents viewed it, it addressed the needs of all persons "willing and able to work." The 1974 annual conference of the National Urban League devoted its four-day meeting to the theme: "Full Employment as a National Goal." The initial bill introduced by Congressman Augustus Hawkins (D-CA) and one of the featured speakers at the NUL conference, was race neutral, but it called for a commitment of expenditures the decision makers were not prepared to make. In 1978, a relatively weak Full Employment and Balanced Growth Act was passed.

Given the new civil rights laws against discrimination and segregation, some civil rights groups thought that the passage of a strong Full Employment Bill in the 1970s would have been a fitting (albeit, not final) achievement of their dual agenda. There would still need to be diligent enforcement of laws against racial discrimination. There would be no need to subordinate concern for civil rights to that for social welfare, as was often the case in the consenual stage. As a result of the end to de jure segregation, there would be no need to place the two agendas in conflict with each other.

Conclusion

Unlike earlier years, in the 1980s and 1990s there were no legal institutional barriers separating the two agendas. Passage of viable social welfare legislation would have to be done without restrictions based on race. The civil rights groups had always wanted that, and they were consistently in the ranks of the liberal-progressive forces. As the history recounted in this article indicates, except during the approximately fifteen-year period of the conflictual stage, the civil rights groups have been willing allies for a progressive alliance. When the legal barriers based on race that precipitated the disagreement in the 1950s over the Powell

[29] Quoted in Nick Kotz and Mary Lynn Kotz, *A Passion for Equality, George Wiley and the Movement* (New York: Norton, 1977), 276.

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amendment were removed, the path for viable potential coalitions opened. But more often than not, sufficient allies were not available. The country moved to the right; the civil rights groups stayed left of center on social welfare issues.

In the late 1970s and into the 1980s, as the conservative mood accelerated, civil rights groups began to suspect that even the gains made in civil rights might be jeopardized. Thus, on the civil rights agenda, there came to be policy remedies such as affirmative action, goals, timetables, quotas, minority set-asides, and the like. These remedies are properly seen as part of the civil rights agenda. They are race-specific (and, of course, gender-specific in some cases). They aim to address needs created in the minds of the proponents by past and present discrimination. The important point, however, is that this civil rights agenda is not necessarily at odds with a liberal social welfare agenda.

The political coalitions conceivably available for pursuing a liberal social welfare agenda might well not be available for achievement of a race/gender-specific agenda. This is not unusual. As the three-stage evolutionary account reveals, over the last sixty years there have always been political problems between those supporting the respective agendas. There have always been political realities complicating the relationship between the two agendas. Civil rights groups struggling to achieve the goals of both agendas have known this all too well. In the 1990s, critics on the left and right raise questions long recognized by the civil rights groups. It was the civil rights groups that warned of a growing dependent class, not the conservative right. It was the civil rights groups that decades before called for real race-neutral social welfare policies. The current discussion over universal versus race-specific policies is not new. Neither is the concern for what is politically feasible or realistic. What is also clear is that past capitulation to conservative forces, leading to failure to enact truly universal programs, has created even more social and racial problems to be resolved. The civil rights leadership has not been unmindful of this fact. Rather than presenting new insights, present-day liberal and conservative policy analysts are finally beginning to acknowledge the truths understood and articulated all along by the civil rights groups as they dealt with both aspects of their dual agenda.

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Beijing and the Korean Crisis, June 1950–June 1951

MICHAEL H. HUNT

Our understanding of the Korean War and especially the crisis-filled first year of that war has undergone some dramatic changes. Through the 1980s, approaching the fortieth anniversary of the outbreak of the war, some twenty books appeared dealing with the war's politics, diplomacy, and strategy.[1] The late Gregory Henderson, writing in an elegiac vein, acknowledged this new era in scholarship. "The men who lived the Korean War now pass. A new generation, eyes deep in mountains of documents declassified up to 1954, claims the old fields. The headiness of those years for us who lived them ebbs. We come, cooly [sic] enmeshed in footnotes, to the scribes' time."[2]

The scribes have been busiest rewriting American policy and Anglo-American relations during the war. Perhaps as much as anything, the appearance between 1976 and 1984 of the relevant volumes in the U.S. foreign relations series and the clock-like opening of pertinent materials in the British Public Records Office stimulated this fresh research. New accounts have also brought the role of Ko-

[1] A count that included military and campaign histories would go substantially higher. The findings of Bruce Cumings, Rosemary Foot, Burton I. Kaufman, Callum A. MacDonald, and others have served cumulatively to displace David Rees, *Korea: The Limited War* (New York: St. Martin's Press, 1964), the standard treatment for at least twenty years. For recent reviews of the new literature, see Rosemary Foot, "Making Known the Unknown War: Policy Analysis of the Korean Conflict in the Last Decade," *Diplomatic History* 15 (Summer 1991): 411–31; and Philip West, "Interpreting the Korean War," *American Historical Review* 94 (February 1989): 80–96.

[2] Gregory Henderson, book review, *Journal of Asian Studies* 47 (May 1988): 389.

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reans into clearer focus. Integrating Korean sources with the English-language literature, those accounts have focused attention on the peninsular origins of the war and the interaction between the great powers and the local actors, between international politics and local politics. On a third front, Soviet involvement, the first volume of Nikita Khrushchev's memoirs opened up some intriguing insights in 1970, and the 1990 volume has offered some supplementary details. But in general, our view on the Kremlin remained limited in the age of *glasnost*, and little has yet changed now in the age of Boris Yeltsin.[3]

The Chinese role has, at least until recently, been only marginally better understood. Whether and when the Chinese might release illuminating material on the war has been a subject of occasional, generally pessimistic comment.[4] But the Chinese are making their own contribution to our understanding of the war, helping us to move beyond the point researchers relying heavily on the contemporary public record had carried us.[5] Thanks to new material China's intrusion into the narrative need no longer be accompanied by a relentless rain of speculation and misinformation. We can now correct misconceptions by nonspecialists intent on a more global view of the war,[6] subject undocumented claims to critical scrutiny,[7] and begin to nail down such vital but elu-

[3] See John Merrill, review article, *Journal of Korean Studies* 3 (1981): 181–91, for a helpful appraisal of Nikita S. Khrushchev, *Khrushchev Remembers*, Strobe Talbott, trans. and ed., 2 vols. (Boston: Little, Brown, 1970 and 1974). See also *Khrushchev Remembers: The Glasnost Tapes*, Jerrold L. Schecter with Vyacheslav V. Luchkov, trans. and eds. (Boston: Little, Brown, 1990), 143–47. For recent revelations, perhaps a harbinger, see the Reuters report from Moscow, "Ex-North Korea Envoy Says Kim Started War," *New York Times*, 6 July 1990; and N. Anin (pseud.), "How the War in Korea Started," *Newsreview*, 13 July 1991, 31, and 20 July 1991, 29, and 27 July 1991, 30. Milton Leitenberg was kind enough to supply me with a copy of the latter item.

[4] For example, Max Hastings writing in 1987 suggested that the Chinese records are either lost or forever sealed. "It may never be possible to piece together the precise decision-making process in Peking that led to the order to enter Korea. Almost all the key participants are dead, and among the living there is no reliable body of records to enable even those who wish to establish the objective truth about recent Chinese political history to do so." Hastings, *The Korean War* (New York: Simon & Schuster, 1987), 132. Edwin P. Hoyt, *The Day the Chinese Attacked: Korea, 1950* (New York: McGraw-Hill, 1990), 144, is similarly pessimistic.

[5] Allen S. Whiting, *China Crosses the Yalu: The Decision to Enter the Korean War* (originally published 1960, Stanford, CA: Stanford University Press, 1968), a meticulous reconstruction of Chinese signalling from June to November 1950, is the best known and most influential of these works based primarily on the public record.

[6] Take for example the basic error of making Lin Biao the commander of the Chinese "volunteers" in Korea in Joseph C. Goulden, *Korea: The Untold Story of the War* (New York: Times Books, 1982), 309; and Clay Blair, *The Forgotten War: America in Korea, 1950–53* (New York: Times Books, 1987), 390, 396.

[7] See for example the imaginative treatment of Chinese decision making in October and November 1950 in Russell Spurr, *Enter the Dragon: China's Undeclared War against the U.S. in Korea, 1950–51* (New York: Newmarket Press, 1988). Spurr fails to indicate precisely how the interviews in China on which he relies so heavily support his narrative. Hoyt, *The Day the Chinese Attacked*, a somewhat better grounded account, also dispenses with precise documentation.

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sive topics as the domestic impact of the war[8] and its effects on Sino-Soviet relations.[9]

The credit for this advance on the Chinese front of the Korean War, but one aspect of a broad movement to develop and open up party history, goes to the Communist party central committee itself. Much of the headway made through the 1980s was due to the efforts of three historical units in Beijing operating under the direct supervision of a central committee "small group."[10] The party center's own research offices have put out a wide variety of material relevant to Mao Zedong's central role in the crisis as well as the context in which he operated.[11] Adding significantly to the literature, the Chinese military itself has promoted research and publication on a topic in which it takes considerable pride. Officers who played a prominent role in the conflict together with military researchers have produced an impressive body of work, much of it published by one or another of the military-run presses.[12] These various secondary treatments and

[8] The most ambitious study to date is Larry S. Weiss, "Storm Around the Cradle: The Korean War and the Early Years of the People's Republic of China" (Ph.D. dissertation in Political Science, Columbia University, 1981), which contends that the war radicalized China's domestic policy, thus bringing to a premature end the New Democracy stage of China's development.

[9] See Robert R. Simmons, *The Strained Alliance: Peking, Pyongyang, Moscow and the Politics of the Korean War* (New York: Free Press, 1975); Wilbur A. Chaffee, "Two Hypotheses of Sino-Soviet Relations as Concerns the Instigation of the Korean War," *Journal of Korean Affairs* 6 (1976–77): 1–13; and Nakajima Mineo, "The Sino-Soviet Confrontation: Its Roots in the International Background of the Korean War," *Australian Journal of Chinese Affairs* 1 (January 1979): 19–47.

[10] For a fuller treatment of developments over the last decade, see Michael H. Hunt and Odd Arne Westad, "The Chinese Communist Party and International Affairs: A Field Report on New Historical Sources and Old Research Problems," *China Quarterly* 122 (Summer 1990): 258–72. For an updated listing of sources, see Steven M. Goldstein and He Di, "New Chinese Sources on the History of the Cold War," *Cold War International History Project Bulletin* 1 (Spring 1992): 4–6.

[11] Zhonggong zhongyang wenxian yanjiushi, comp., *Jianguo yilai Mao Zedong wengao* [Mao Zedong manuscripts for the period following the establishment of the country], 5 vols. to date, internal circulation (Beijing: Zhongyang wenxian, 1987), vols. 1–4 covering the Korean War; and Peng Dehuai zhuanji bianxiezu, comp., *Peng Dehuai junshi wenxuan* [A selection of Peng Dehuai works on military affairs] (Beijing: Zhongyang wenxian, 1988). For a selection of translated materials from *Jianguo yilai*, vol. 1, see Li Xiaobing et al., "Mao's Despatch of Chinese Troops into Korea: Forty-Six Telegrams, July-October 1950," *Chinese Historians* 5 (Spring 1992): 63–86.

[12] The military compiled and published the first major collection of inner party documents and military dispatches in Zhongguo renmin jiefangjun junshi kexueyuan, comp., *Mao Zedong junshi wenxuan* [A selection of Mao Zedong works on military affairs], internal circulation (Beijing: Zhongguo renmin jiefangjun zhanshi, 1981; Tokyo reprint, Sososha, 1985). For recent overviews by researchers in the military, Yao Xu, *Cong Yalujiang dao Banmendian: Weida de kangMei yuanChao zhanzheng* [From the Yalu River to Panmunjom: The great war to resist America and aid Korea], internal circulation (Beijing: Renmin, 1985); Chai Chengwen and Zhao Yongtian, *KangMei yuanChao jishi* [A record of resisting America and aiding Korea], internal circulation (Beijing: Zhonggong dangshi ziliao, 1987); and Chai and Zhao, *Banmendian tanpan: Chaoxian zhanzheng juan* [The Panmunjom talks: A volume on the Korean War] (Beijing: Jiefangjun, 1989); Junshi jiaoxueyuan junshi lishi yanjiubu, comp., *Zhongguo renmin zhiyuanjun kangMei yuanChao zhanshi* [A battle history of resistance to America and aid to Korea by the Chinese people's volunteer army], internal circulation (Beijing: Junshi jiaoxue, 1988); and Xu Yan, *Diyici jiaoliang: KangMei yuanChao zhan-*

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documentary collections provide a window—indirect to be sure—into military, party, and foreign ministry archives. Taken together, they offer a view that contrasts sharply with what was available earlier in China.[13]

Foreign scholars soon recognized this historical opening. The first hints came at a conference in Beijing in 1986.[14] Since then, as more and more material has been published and reached specialists outside China, additional accounts in English have begun to appear, pulling aside the curtain long obscuring Chinese decision making.[15]

While the record of China's role in the Korean War is by no means complete, the materials now in hand are voluminous and reliable enough to invite a sweeping reappraisal of Beijing's response to the crisis and an overall reassessment of the crisis itself. These new Chinese materials on the Korean War are especially rich for the first year of the conflict when Beijing moved toward a decision to intervene, struggled to formulate war aims and an appropriate strategy, and finally accepted negotiations and a military stalemate. This article begins by sketching out some of the central findings that have emerged to date. It then seeks to relate those findings to themes drawn from the more fully documented Anglo-American side

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zheng de lishi huigu yu fansi [The first test of strength: A historical review and evaluation of the war to resist America and aid Korea] (Beijing: Zhongguo guangbo dianshi, 1990). The chief memoirists from the military side are Nie Rongzhen, *Nie Rongzhen huiyilu* [The memoirs of Nie Rongzhen] 3 vols. (Beijing: Janshi, 1983, and Jiefangjun, 1984); Du Ping, *Zai zhiyuanjun zongbu* [With the headquarters of the volunteer army] (Beijing: Jiefangjun, 1989); Yang Chengwu, *Yang Chengwu huiyilu* [Memoirs of Yang Chengwu] 2 vols. (Beijing: Jiefangjun, 1987 and 1990); Yang Dezhi, *Weile heping* [For the sake of peace] (Beijing: Changzheng, 1987); and Hong Xuezhi, *KangMei yuanChao zhanzheng huiyi* ["Recollections of the war to resist U.S. aggression and aid Korea"] (Beijing: Jiefangjun wenyi, 1990).

[13] For an impression of how thin and domestically oriented the treatment of the war was before the recent explosion of publications, see Hu Zhongchi, *KangMei yuanChao yundong shihua* [An informal history of the resist-America aid-Korea campaign] (Beijing: ZhongHua qingnian, 1956); and Zhongguo renmin kangMei yuanChao zonghui xuanchuanbu, comp., *Weida de kangMei yuanChao yundong* [The great resist-America, aid- Korea campaign] (Beijing: Renmin, 1954), a collection of documents.

[14] The two conference papers that deal with the Korean War are Jonathan D. Pollack's "The Korean War and Sino-American Relations," a treatment that is strongest on the first months of the war, and Chen Xiaolu's "China's Policy Toward the United States, 1949–1955," both in Harry Harding and Yuan Ming, eds., *Sino-American Relations 1945–1955: A Joint Reassessment of a Critical Decade* (Wilmington, DE: Scholarly Resources, 1989), 213–37 and 184–97.

[15] Hao Yufan and Zhai Zhihai, "China's Decision to Enter the Korean War: History Revisited," *China Quarterly* 121 (March 1990): 94–115, is a revealing treatment rendered problematic by its heavy reliance on unattributed interviews. That account has been improved upon and extended by Chen Jian, "The Sino-Soviet Alliance and China's Entry into the Korean War" (Occasional paper, Cold War International History Project, Woodrow Wilson Center, Washington, DC, n.d. [1992?]); Chen Jian, "China's Changing Aims during the Korean War, 1950–1951," *The Journal of American-East Asian Relations* 1 (Spring 1992): 8–41; and Thomas J. Christensen, "Threats, Assurances, and the Last Chance for Peace: The Lessons of Mao's Korean War Telegrams," *International Security* 17 (Summer 1992): 122–54. Chen, drawing on a book manuscript he is preparing on Chinese policy and the origins of the Korean War, offers the most detailed treatment.

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of the story. It finally offers some reflections on the implications of the Korean case for our general understanding of international crises.

Beijing and the Outbreak of the War

New materials coming out of China complicate and marginally clarify our picture of Beijing's role in the origins of the Korean War and its response to the first months of the fighting. They do not set directly in doubt the older impression that the actual outbreak of the war found the Chinese leadership preoccupied with reconstructing the economy, carrying out land reform in newly liberated areas, and in general consolidating the revolution at home.[16]

There are now, however, some hints that Beijing knew that the North Korean leader Kim Il Sung had some military initiative afoot. Several accounts claim that Mao and Stalin discussed the Korean question during their summit meeting in Moscow (December 1949-February 1950) and that Mao exchanged views with Kim during a later meeting in Beijing.[17] Whatever may have been said on these occasions, it is clear that Beijing and Pyongyang worked together in the year before the war to repatriate Korean troops who had fought in the Chinese civil war. Those troops had marched into the Northeast with the Chinese Communist Eighth Route Army at the end of the Pacific War carrying orders to organize Korean residents of the Northeast and to help the Soviet army in the liberation of Korea.[18] In fall 1949 China and North Korea reached an agreement on the return of two divisions of those troops in the Fourth Field Army. While in Moscow in January 1950 Mao received Kim Il Sung's request for the return of additional Korean nationals in the Fourth Field Army; and during the spring, after some additional discussions with the North Koreans, Nie Rongzhen, then acting chief of staff, effected the return of 14,000 with their weapons and equipment. Estimates of the total number of troops sent back to Korea by the eve of the war run around 50-70,000 and by the fall exceed 100,000.[19]

[16] The "liberation" of Taiwan was somewhere on the agenda, but (to judge from the evidence now available) an invasion attempt was not imminent because the Communists lacked the requisite naval and air forces. Nie, *Nie Rongzhen huiyilu* 3: 719; Jon W. Huebner, "The Abortive Liberation of Taiwan," *China Quarterly* 110 (June 1987): 256–75, which surveys U.S. and Nationalist intelligence estimates; and Xu Yan, *Jinmen zhi zhan (1949–1959 nian)* [The battle for Jinmen (1949–1959)] (Beijing: Zhongguo guangbo dianshi, 1992), 116–25, 142–44, which describes the long-term planning for an invasion and reports that by 11 August 1950 the Military Affairs Committee had decided to put off any decision to 1952 in order to focus on Korea.

[17] Hao and Zhai, "China's Decision," 100, claim on the basis of "interviews" that Kim Il Sung visited China in April on his way back from Moscow and revealed his intention to unify Korea by force but not the details of his plans.

[18] Zhongyang dang'anguan, comp., *Zhonggong zhongyang wenjian xuanji* (hereafter ZYWJ) [A selection of CCP central committee documents], inner-party circulation, 14 vols. (Beijing: Zhonggong zhongyang dangxiao, 1982–87), 13: 121.

[19] Nie, *Nie Rongzhen huiyilu*, 3:744 (which does not reveal if the North Korean requests carried any hints of the uses to which the troops would be put); Bruce Cumings, *The Origins of the Korean*

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On 25 June 1950, North Korean forces launched an invasion of South Korea, setting off a string of unpleasant surprises for Beijing. The first of these came on 27 June when President Harry S. Truman announced that the United States would not only defend South Korea under the auspices of the United Nations but also "neutralize" the Taiwan Strait by sending the Seventh Fleet to block any communist invasion attempt. Beijing's earliest public response to the American intervention, published on 28 and 29 June, was notably cautious and vague. While deploring American intervention around the world and especially in Asia, Mao, Premier Zhou Enlai, and a *Renmin ribao* editorial all nonetheless focused their public fire on the American attempt to deny China control of its province of Taiwan.[20]

But the Chinese Communist Party (CCP) began almost at once to prepare against untoward developments in Korea. On 30 June Zhou ordered Chinese military observers to North Korea. On 7 and 10 July the Military Affairs Committee met, and in sessions chaired by Zhou and attended by the army commander-in-chief, Zhu De, and Nie Rongzhen recommended creating a force to defend the border and if necessary cross the Yalu River to help North Korea. Mao at once endorsed the proposal. By early August more than a quarter of a million troops were assembled along the Yalu with Gao Gang, in charge of party and military affairs in the Northeast, bearing responsibility for logistical support. Even so, Beijing's alarm, reflected in public warnings directed against the advance of the United Nations forces, continued to mount. On 5 August Mao personally instructed Gao Gang to have the border forces ready for combat by early September. Told by Gao of the difficulties in completing the preparations, Mao agreed on 18 August to extend the deadline to the end of the month. On 17 September, in the immediate aftermath of the successful American landing at Inchon, the Military Affairs Committee dispatched Chinese officers to Korea to lay the groundwork for possible intervention.[21]

China's growing alarm, reenforced by Soviet and Korean calls for assistance, gave rise to efforts to coordinate policy among the three countries, so at least the

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War, vol. 2: *The Roaring of the Cataract, 1947-1950* (Princeton, NJ: Princeton University Press, 1990), 362-63; Chen, "The Sino-Soviet Alliance," 13n, 22-23.

[20] Michael M. Kau and John K. Leung, *The Writings of Mao Zedong 1949-1976* (Armonk, NY: M. E. Sharpe, 1986-), 1: 118; ZhongHua renmin gongheguo waijiaobu and Zhonggong zhongyang wenxian yanjiushi, comps., *Zhou Enlai waijiao wenxuan* [Selected diplomatic writings of Zhou Enlai] (Beijing: Zhongyang wenxian, 1990), 18-19; and *Renmin ribao*, 29 June 1950.

[21] Chai and Zhao *Banmendian tanpan*, 34-36; Zhang Xi, "Peng Dehuai shouming shuaishuai kangMei yuanChao de qianqian houhou" [The full story of Peng Dehuai's appointment to head the resistance to the United States and the assistance to Korea], *Zhonggong dangshi ziliao* 31 (1989): 118-20; *Jianguo yilai*, 1: 429, 454, 469; Chai and Zhao, *KangMei yuanChao jishi*, 46-47, 51. Bo Yibo, *Ruogan zhongda juece yu shijian de huigu* [Reflections on some major incidents and decisions] (Beijing: Zhonggong zhongyang dangxiao, 1991), 43, recalls a Political Bureau meeting on 4 August at which Mao contended that China had to help Korea by sending troops, that preparations for their dispatch had to begin at once, and that only the timing of the intervention was a matter for discussion. Bo's account needs confirmation.

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new secondary accounts suggest. While some older accounts contend that regular, high-level consultations among the three began in early July,[22] the new evidence points to a later date—after the Inchon landing and General Douglas MacArthur's rapid push north created panic in Pyongyang and alarm in Beijing and Moscow. These contacts quickly moved to the highest level, bringing the Chinese fully into inner councils of the war. In late September Stalin raised with Beijing the possibility of Kim Il Sung setting up a government in exile in China, and on 1 October with South Korean forces crossing the thirty-eighth parallel Kim personally followed up with a desperate request for China's help in the war.[23]

The Peoples Republic of China (PRC) had to scramble to create working relations with Kim's regime. A Chinese embassy was hastily set up in early July, nearly a year after diplomatic recognition. The post-Inchon alarm brought the Koreans and Chinese into increasingly frequent military contact. On 8 October Kim sent a liaison to the headquarters of the Chinese forces gathering in the Northeast, and on 4 December, as a result of a Kim-Mao meeting in Beijing, a joint Chinese-Korean command was set up under Peng Dehuai, the commander of the Chinese forces in Korea. At several critical points in the tumultuous first year of the war, Kim Il Sung travelled to Beijing. These visits in early December 1950, late January 1951, and early June 1951 served to coordinate war strategy and to iron out practical difficulties such as friction between the Chinese "volunteers" and Koreans, differences over policy on the release of prisoners, and inadequate North Korean logistical support.[24]

The Decision to Intervene

The new materials offer some new insights on the decisions that led China to intervene militarily in the conflict. These materials, which include a substantial body of documents, reveal Mao's dominant role. Not surprisingly, however, given the complexity of the man, the rapidly developing crisis confronting him, and the size of the stakes for the CCP, those materials raise fresh, knotty questions about precisely when and exactly why Mao resolved to act.

To clarify the issue of timing it is useful to think of Mao moving along two sometimes intersecting tracks toward a definitive commitment of his forces.

[22] Drawing on a 1968 study by Huang Chenxia, Jurgen Domes, *P'eng Te-huai* (Stanford, CA: Stanford University Press, 1985), 60, points to Sino-Soviet military meeting in Beijing in August and the creation of a joint Sino-Soviet general staff in Shenyang in September.

[23] Chai and Zhao, *KangMei yuanChao jishi*, 55; Zhang, "Peng Dehuai shouming," 123; Xu, *Diyici jiaoliang*, 22; for what purports to be the text of Kim's 1 October appeal for help, see Ye Yumeng, *Chubing Chaoxian: KangMei yuanChao lishi jishi* [Sending troops to Korea: A historical record of the resistance to America and assistance to Korea] (Beijing: Beijing shiyue wenyi, 1990), 39–40.

[24] Chai and Zhao, *KangMei yuanChao jishi*, 47, 50, 55, 58, 61–62, 64, 65, 68, 74, 76, 78, 86; Zhang, "Peng Dehuai shouming," 143; *Jianguo yilai*, 1: 545, 2: 43–44; *Mao junshi wenxuan*, 685; Qi Dexue, *Chaoxian zhanzheng juece neimu* [Inside story of the Korean war decisions] (Shenyang: Liaoning daxue, 1991), 184–85; Du, *Zai zhiyuanjun zongbu*, 127, 165, 176–77, 185.

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Suspiciously, little of either track is evident before Kim's appeal for help on 1 October, even though we know that Mao began to take a hold of strategic planning two months earlier.

One of those tracks led to Moscow. Having announced to his colleagues his own view that China should intervene, Mao on 2 October cabled his decision to Stalin. Chinese troops would enter Korea on 15 October, Mao announced, and there they would assume a defensive posture, letting the enemy forces know that they faced a new situation. Once better prepared and equipped with Soviet arms, those troops could if need be take the offensive. Aside from equipment, Mao wanted from Stalin help in fending off possible American naval and air attacks on Chinese cities and industry. Thus, while indicating that China was ready to shoulder the main burden of saving North Korea, Mao also sought to ensure practical military cooperation from a Soviet leader known for his caution and now perhaps growing reluctant to be drawn directly into a protracted or escalating conflict.[25]

In any case, on 8 October Mao followed up by sending Zhou Enlai to meet with Stalin on Chinese intervention. Zhou, accompanied by Lin Biao (seeking Soviet medical treatment) and perhaps by Ambassador Wang Jiaxiang, travelled to Sochi on the Black Sea for a meeting with Stalin that lasted through the night of 9–10 October. Stalin revealed that he would not provide the air cover Chinese forces operating in Korea would desperately need. The Soviet air force, he explained, needed more time for preparation before being engaged even in the defense of Chinese airspace. Zhou returned to Moscow to cable Mao this disappointing news but also to pass on assurances that the Soviets would immediately begin supplying weaponry for twenty Chinese divisions.[26]

While dealing with Stalin, Mao moved along the second track defined by a string of high-level meetings devoted to discussing the grave crisis facing the new regime. The existing record suggests that Mao's proposal for decisive action elicited doubts that he was not able to dispel either quickly or easily, and indeed that he himself seems at points to have fallen prey to uncertainties. Indeed, as early as 2 October in his cable to Stalin, Mao had identified one set of risks: attacking Chinese troops might fail to destroy American forces in Korea and become entangled in a Sino-American military stand-off that would bring serious collateral damage to China's economic reconstruction and that would deepen the discontent of the Chinese already unsettled by revolution. Mao's colleagues who

[25] Mao cable to Stalin, 2 October 1950 in *Jianguo yilai*, 1: 539–41.

[26] Zhang, "Peng Dehuai shouming," 147–48. Shi Zhe, who accompanied Zhou as translator, has offered a detailed description of the trip that is often not congruent with other sources and thus has to be used with care. See Shi Zhe with Li Haiwen, *Zai lishi juren shenbian: She Zhe huiyilu* [Alongside the giants of history: Shi Zhe's memoir] (Beijing: Zhongyang wenxian, 1991), 495–502. For alternative accounts, see Hong, *KangMei yuanChao*, 25–27; and Qi, *Chaoxian zhanzheng*, 62–63 (for the recollections of Kang Yimin, another member of Zhou's party). For details on the ensuing Soviet aid program that included air support in Korea beginning in January 1951, see Xu, *Diyici jiaoliang*, 30–32; and Hong, *KangMei yuanChao*, 184.

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opposed sending troops or at least wanted to delay intervention also pointed to the military risks and the prospects of a direct, damaging attack on China. They also argued that the new Chinese state needed time to consolidate its political control, wipe out remaining Chinese Nationalist resistance, complete land reform, stabilize the economy, and upgrade the armed forces. They pointed to the burdens intervention would place on a war-weary population. They may also have stressed the uncertain nature of Soviet assistance. The rapidly deteriorating battlefield situation, the delays in getting Chinese troops ready for combat, Stalin's refusal of air support, and in general the gnawing anxieties about the risks China was about to take—all combined to complicate Mao's task and prolong the discussion.

The identity of the doubters is still a matter of some conjecture,[27] and even a full record may not reveal a clearly drawn debate with a neat line-up of those for and against intervention. In the face of the prestige that Mao brought to the discussion of military affairs, his colleagues would have expressed themselves carefully, even though in principle collegial decision making still prevailed within the party center. Moreover, the discussions at this time were (the existing record suggests) complex, turning more on the aims and level of the Chinese commitment than on the principle of somehow assisting North Korea. The issue thus did not invite yes or no answers but offered opportunity aplenty for the participants to reassess and shift their views.

The first of a hurried and tension-filled series of high-level meetings took place on 1 October. The leadership broke away early from the public celebration of the PRC's first anniversary to discuss Kim Il Sung's urgent request for military assistance. This meeting, held like most of the others to follow within the CCP headquarters compound at Zhongnanhai in Beijing, did not end until dawn.[28]

The middle of the afternoon the next day (2 October) Mao met with Zhu, Liu Shaoqi, Zhou, Nie, and Gao (having just flown into the capital), and he announced that troops had to intervene. The only questions were when and under

[27] Contemporary rumor and later Red Guard indictments have pointed variously to Gao Gang, Liu Bocheng, Lin Biao, Peng Dehuai, Dong Biwu, and Chen Yun. See Carsun Chang, *The Third Force in China* (New York: Bookman Associates, 1952), 286; Union Research Institute, *The Case of Peng Teh-huai, 1959–1968* (Hongkong: Union Research Institute, 1968), 154; and John Gittings, *The World and China, 1922–1972* (New York: Harper and Row, 1974), 183–84. Other Chinese sources concede inner party differences in early October. Peng Dehuai zishu bianjizu, *Peng Dehuai zishu* [Peng Dehuai's own account] (Beijing: Renmin, 1981), a memoir prepared before the Cultural Revolution and apparently without access to personal files; Peng Dehuai zhuanji bianxiezu, *Peng Dehuai junshi wenxuan*, 320–21; and Zhang, "Peng Dehuai shouming," 132, 136, are all circumspect in naming names, presumably on the principle that the Korean War was a triumph not to be diminished by admissions of division and uncertainty among the CCP leadership at the outset. Several accounts, such as *Nie Rongzhen huiyilu*, 3: 736, and Xu, *Diyici jiaoliang*, 23–24, are less discrete in pointing to Lin Biao as an opponent. Hao and Zhai, "China's Decision," 105, points to Lin as well as Gao Gang.

[28] Zhang, "Peng Dehuai shouming," 124. This account offers the most detailed treatment of the October meetings but without indicating the source on which it draws.

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whose command would the intervention take place. The assembled leaders agreed on 15 October as the day for Chinese forces to march. The selection of a commander seems to have been more difficult. Mao indicated that he had considered first Su Yu and then, once the size of the operation grew, Lin Biao. However, both were medically indisposed, and Lin had evidenced anxiety over American military superiority. Mao suggested Peng Dehuai and won general approval.[29] Mao then dispatched his cable to Stalin, and Zhou called in the Indian ambassador, K. M. Pannikar, to warn that Beijing "has to be concerned" (*yaoguan*) if the Americans crossed the thirty-eighth parallel.[30]

On 4 October, again at mid-afternoon, an expanded meeting of the Political Bureau began. Late in the afternoon Peng Dehuai arrived from his command in the Northwest to join the discussions. Early on the 5th Mao sounded out Peng on taking the Korea command, first through his emissary Deng Xiaoping and then in a personal interview. Peng had earlier concluded that China was being sucked by the North Korean adventure into an arena previously the domain of the United States and the USSR. Peng had sat quietly through the discussions on the day of his arrival. Having now agreed to shoulder the command, Peng spoke out in support of Mao's intervention proposal in the meeting later that day (5 October).[31] On 8 October, following a series of planning meetings, Mao met again with the enlarged Political Bureau and gave the orders for Chinese forces to prepare to move across the Yalu River and do battle with U.S troops then crossing the thirty-eighth parallel and threatening Pyongyang. At the same time he cabled his decision to Kim Il Sung and formally named Peng Dehuai the commander of the volunteers. Peng left at once for the Northeast to take up his command. He was accompanied by Gao and Mao Zedong's son, Anying, who was to serve as translator for the Soviet advisers.[32]

The arrival of Zhou Enlai's unsettling report of his interview with Stalin during the afternoon of 10 October set the stage for a second round of consultations in Zhongnanhai. On 11–12 October Mao not only suspended his intervention order but also recalled Peng and Gao to Beijing for another round of discussions. The Political Bureau met on 13 October and stayed in session through the night before

[29] Lin was an odd choice if he was indeed ill. And it is equally perplexing that Mao would have turned now to a commander with whom he had come into sometimes sharp conflict over military strategy during the civil war. For differences between the two in spring 1946 see ZYWJ, 13: 356, 377, 387–88, 404. For sharper tensions later in the civil war, see Takeuchi Minoru, ed., *Mao Zedong ji bujuan* [Supplements to collected writings of Mao Zedong] 10 vols. (Tokyo: Sososha, 1983–85), 8: 141–57.

[30] Zhang, "Peng Dehuai shouming," 125–27; and the transcript of the Zhou-Pannikar meeting, 3 October 1950 in *Zhou Enlai waijiao wenxuan*, 25. Zhou's warning on this occasion was in fact weaker than in his publicly circulated address of 30 September. There he indicated a determination to resist aggression whether against China or its neighbor. Ibid., 24.

[31] Zhang, "Peng Dehuai shouming," 120–21, 132–36; and *Peng zishu*, 257–58.

[32] *Jianguo yilai*, 1: 543–45; Zhang, "Peng Dehuai shouming," 137–42. Mao Anying was killed in late November in an American air raid.

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coming to a unanimous agreement to send troops to Korea despite the lack of Soviet air support. Mao devoted the 14th to detailed consultation with Peng on the impending military operations.[33]

The 13 October Political Bureau meeting and Mao's discussions with Peng on the 14th produced a consensus in favor of proceeding cautiously and avoiding a direct challenge to the United States. The volunteers were to concentrate their attack on the South Korean "puppet" forces and avoid hitting any but isolated American forces. The volunteers were, moreover, not to make a rapid advance but rather establish a base of operations in the mountainous region north of Pyongyang and Wonsan. If American forces did not advance beyond those two points for six months, then Chinese forces would gain time to prepare for whatever action Beijing might think best at the end of that period. This action, the Political Bureau resolution somewhat vaguely opined, would "produce a change to our advantage." The consensus did not address the possibility that MacArthur might continue his rapid advance, giving the Chinese force no grace period and Beijing no chance for a peaceful resolution of the confrontation. This oversight may have reflected a reluctance to see the crisis in worst-case terms and thus play into the hands of the doubters. Mao now cabled Zhou, still in Moscow, the terms on which China was acting and made clear that the intervening force would consist not of the six divisions that Stalin had urged earlier in the crisis but fifteen divisions together with supporting units (260,000 troops).[34]

Finally, on 15 October, with Kim calling for haste in the dispatch of support, Mao issued an order for intervention no later than 17 October (soon pushed back to the 18th). By the 17th Peng's subordinates reported that their forces with few anti-aircraft guns and no air cover faced poor odds in battle and proposed delaying action until winter or even the following spring, when they might be better equipped. That same day Mao called Peng and Gao back to Beijing to canvas again the precise time for moving into Korea and to hear Zhou report on the details of Soviet support. With the Americans advancing rapidly and the North Koreans in a panic, Mao thrust aside hesitations and fears and insisted on immediate action. He now set 19 October for the major crossing of the Yalu. As instructed, the first major body of Chinese troops advanced into Korea late that day, setting in motion the events that would soon bring war with the United States.[35]

Motives for Intervention

Any effort to pin down the exact motive behind Mao's decision to intervene must enter a mind as complicated as the crisis it wrestled with. That effort must

[33] Zhang, "Peng Dehuai shouming," 147–52; and *Jianguo yilai*, 1: 552–53.

[34] Zhang, "Peng Dehuai shouming," 152; *Jianguo yilai*, 1: 556, 559.

[35] Zhang, "Peng Dehuai shouming," 157; *Jianguo yilai*, 1: 564, 567–68; *Peng Dehuai zishu*, 258–59; Hong, *KangMei yuanChao*, 23.

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also confront the different, though not mutually exclusive, rationales that Mao offered in his effort to neutralize the hesitations or objections that he felt he faced on three distinct fronts. The puzzle for the historian is to judge how much Mao chose his arguments to win support, how much those arguments were keenly felt by him, and how important one was relative to the other.

That Mao's attitude toward China's role in the Korean conflict was complex is amply illustrated by his cable of 2 October to Stalin. He contended that he felt an internationalist duty to rescue the beleaguered Korean revolution and to help maintain revolutionary morale around the world in the face of a counteroffensive launched by American reactionaries. The dangers of a revival of reactionary sentiment in China and elsewhere in Asia was equally troubling and called for a decisive response. If China meekly acquiesced while the Americans occupied all of Korea and dealt a heavy blow to the Korean revolution, "then the American aggressors would run even more wild to the detriment of all of East Asia."[36] While giving considerable weight overall to the dangers of appeasement and the opportunities for creating an international environment favorable to revolutionary change, Mao also invoked a narrower, more conventional concern with China's security. He had to act, he argued, to preempt a possible American offensive into China itself.

When Mao shifted from addressing Stalin to his compatriots, especially the petty and national bourgeoisie and intellectuals, another set of concerns—national unity—came to the fore. He and Zhou Enlai made patriotic appeals calculated to calm their fear of war and neutralize their lingering philo-Americanism, which Mao himself had attacked only a year earlier. He now again warned that patriots should not be deceived by American propaganda. He indicated that the war was necessary to defend the vital interests of China against renewed aggression, and he urged "all patriotic industrialists and merchants" to join with the masses in a united front against foreign aggression. Zhou Enlai, playing his accustomed role as spokesman for united front policies, drew on China's past in making a similarly patriotic appeal. In an address to the Chinese People's Consultative Congress on 24 October, he invoked the traditional figure of speech—Korea as lips to China's teeth—to underline the long accepted strategic importance of the peninsula. He compared the line of attack the Americans were following to that of the Japanese, beginning in Korea before moving on to the Northeast and then China as a whole.[37]

Finally, the discussions within the Political Bureau found Mao once more an internationalist, but one now with China decidedly at the center. Joined by Peng Dehuai and other advocates of action in the meetings of 4–5 October, Mao expressed fears of China being thrown on the defensive if it did not now deal the Americans a blow. An unchecked American advance in Korea would draw

[36] *Jianguo yilai*, 1: 543.

[37] Ibid., 1: 646, 701; and Zhonggong zhongyang wenxian bianji weiyuanhui, comp., *Zhou Enlai xuanji* [Selected works of Zhou Enlai] (2 vols.; Beijing: Renmin, 1980, 1984), 2: 51, 53.

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wavering countries and classes to the side of the United States, strengthen the resolve of reactionaries at home and abroad, and encourage the United States to send troops to other points along China's border.

The final consensus reached at the meeting of 13 October seemed to reflect this combination of concerns. According to Mao's summary of that consensus, military intervention was necessary above all to prevent the enemy from dominating the Yalu River and thus posing a constant threat to the Northeast. But it was also important for guaranteeing the North Koreans a secure base of operations and for denying imperialism a victory that would fan counterrevolutionary sentiments in China and internationally.

Mao's own precise personal goals at this point are difficult to pin down and may not have been entirely clear in his own mind. Indeed, the risks and uncertainties of intervention put a premium on keeping policy flexible with several options left open. His cables to Zhou, sent in the immediate aftermath of the decisive 13 October Political Bureau meeting, reflected this reluctance to be pinned down. Chinese troops might win a decisive battlefield victory that would force the American-led coalition to abandon the peninsula. Even a limited success might send a wake-up call to Washington, making clear China's determination and hence the dangers of a more costly Korean conflict. Once rudely shaken, Washington might reassess its goals in Korea; the pause in Chinese military operations following the initial entry into Korea would give the Americans time to indicate their interest in a peaceful resolution of the conflict. If on the other hand Washington held to its aggressive course, then Chinese troops, by then better prepared for combat, could take the offensive in a renewed test of strength. Mao must have played out in his mind each of these scenarios in the anxious days before the crossing of the Yalu. But they amounted, as he and his Political Bureau colleagues must have realized, to nothing more concrete than the pious hope that an early blow might produce a turn for the better on the peninsula.[38]

Mao Directs Military Strategy

These materials are also revealing on Mao's deep involvement in the actual planning and execution of the first three campaigns, beginning in late October and running to early January. The point that deserves stress is that Mao's role here, as in the high-level decision to take a military stand, was central and controlling. For example, through October Mao appears to have focused on the Korean crisis to the exclusion of other pressing issues facing the new government. His preoccupations, even anxieties, are evident in the drumbeat of advice that he showered on the commander of his forces in Korea. For example, one collection has Mao sending out fifty-five telegrams to Peng Dehuai between 21 October and

[38] Mao's discussion of the strategic options in his cables to Zhou, 13 and 14 October, in *Jianguo yilai*, 1: 556, 559.

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26 December with no fewer than eighteen going out on the eve of the first offensive and into its first few days (that is, between 21 and 26 October). The concerns reflected in the published telegrams, sometimes numbering two or three a day, range from placement of Chinese units and the line of approach of enemy forces down to the proper location for Peng's own headquarters.[39]

The Mao that appears here is a confident figure, keenly aware of the political dimensions of warfare. His sensitivity on this point grew out of his experience with the party's armed struggle for survival that extended over nearly thirty years and his experience directing the Red Army over the previous fifteen years. His confidence was buoyed by his most recent success (now documented in detail) at coordinating far-flung operations during the civil war campaigns that resulted in the defeat of a Nationalist force far larger and better armed than his own.[40]

Mao would brook no Chinese MacArthur, and Peng Dehuai, a dutiful field commander who deferred to Mao's judgment, did not attempt to play that role. Even so, he did at crucial junctures question his superior's strategy. For example, in late November and early December Peng urged a halt at the thirty-eighth parallel and a rest through the winter months to prepare his forces for a spring offensive. Determined to exploit the vulnerability of the disorganized and demoralized enemy, Mao ordered another round of campaigning, ruthlessly driving forward his own exhausted peasant army, inadequately fed and clothed and freezing on the battlefield. Unable to bring Mao to accept a more cautious course, Peng loyally continued the headlong assault.[41]

The new materials make strikingly clear that Mao, once deeply and successfully engaged in the Korean conflict, resolved the ambiguities in Chinese war aims in favor of bold, far-reaching goals and without any apparent formal consultation with his Political Bureau colleagues. The resolution came in late November and early December. As Peng's drive south gave increasing promise of a sweeping victory, Mao in effect fell victim to military opportunism. On 4 December he ordered reconnaissance in force against the clearly panicked UN army now retreating across the thirty-eighth parallel into South Korea. The next day Pyongyang fell amid hints that the Americans might altogether abandon Korea. On 13 December he ordered the advance to continue *beyond* the parallel, and he reiterated that position as late as 21 December. Bolstered militarily, Beijing publicly linked peace on the peninsula to the withdrawal of all foreign troops, U.S. disengagement from Taiwan, and a place for China in the UN.[42]

[39] Figures derived from *Mao junshi wenxuan*, 649–86. *Nie Rongzhen huiyilu*, 3: 739, notes that the instructions that Mao sent out were prepared with the assistance of the PLA's General Staff Office.

[40] A selection of documents on Mao's central role in the civil war are conveniently brought together in *Mao junshi wenxuan*, pt. 2. But see also ZYWJ; Takeuchi Minoru, ed., *Mao Zedong ji* [Collected writings of Mao Zedong] 10 vols. (Tokyo: Hokobosha, 1971–72; Hongkong reprint, 1975); and *Mao bujuan* for additional documentation.

[41] *Mao junshi wenxuan*, 676–84, 691–92.

[42] Ibid., 680–81, 683; *Jianguo yilai*, 1: 719; Chai and Zhao, *KangMei yuanChao jishi*, 69–71.

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From this high point of optimism, Mao began a retreat toward a more sober appraisal of the military situation and toward more modest goals. He took the first step back on 26 and 29 December when he began to concede the seriousness of the supply and morale problems afflicting his army. Peng was calling for a rest for Chinese forces, and Nie claims to have then endorsed the proposal. But Mao insisted for political reasons on launching another offensive. The third offensive thus began on 31 December against the better judgement of Mao's chief military associates in the Korean commitment. A month later (25–29 January) at a Sino-Korean military conference Peng again proposed a rest for his forces, this time in preparation for renewed offensive action in March. (The difficulties of supply and morale were exacerbated and hopes for a rest denied when the Americans launched their own offensive on 25 January.) With his troops exhausted, short on supplies, and harried by the enemy, Mao now at last conceded in early February that he had become entangled in a war of attrition and would have to shift to "rotational warfare" whereby Chinese armies would be trained, sent to Korea for a time, and then withdrawn in favor of a fresh force. In a prolonged series of meetings with Peng in February and March, Mao worked out the details of this new strategy. In a revealing discussion sent on 1 March to Stalin, Mao described this rotational warfare as a way of continuing his contest of wills with the United States, a contest in which inflicting casualties was the key to victory.[43]

Mao had from the beginning of the conflict seen it as a test of wills. This way of thinking was somewhat predictable given Mao's tendency to view confrontations with earlier opponents in similar terms. But on this occasion, he had to admit, he was losing the test. By his own calculations the cost of destroying the enemy's will to fight had climbed steadily higher just as the resolve and condition of his own forces had declined. On 18 November Mao had called for the destruction of "several 10,000" of the enemy forces, and predicted that then "the entire international situation will undergo a dramatic change." On 26 December he offered a revised judgement—that it would take at least 40–50,000 American and British casualties before resolution of the Korean question would be possible. Now on 1 March 1951, Mao, once more indulging his numerological fetish, set the critical casualty figure at "several 100,000" Americans. Only then, he claimed, would Washington see the difficulty it was in and be ready to solve the Korean problem.[44]

According to Chai and Zhao, *KangMei yuanChao jishi*, 73, Chinese and North Korean forces at the end of the year outnumbered UN forces 442,000 to 250,000 with some 315,000 additional Chinese troops being readied for battle.

[43] *Nie Rongzhen huiyilu*, 3: 741, 750–51; *Mao junshi wenxuan*, 685–86; Chai and Zhao, *KangMei yuanChao jishi*, 77–78; *Jianguo yilai*, 1: 741–42, 2: 104–105, 151–53; Qi, *Chaoxian zhanzheng*, 116–18, 127–28; Hong, *KangMei yuanChao*, 104–105, 109–12. Qi, *Chaoxian zhanzheng*, 132, credits Zhou Enlai and Li Fuchun with originating the idea of rotational warfare.

[44] *Mao junshi wenxuan*, 351, 672, 685. Again indulging a proclivity for seeing the war statistically, Mao somewhat vaguely noted on 28 April 1951 the advantages of inflicting 15–20,000 casualties in the fifth campaign. *Jianguo yilai*, 2: 265.

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Deeply engaged in the conduct of the Korean conflict through the fall, Mao abruptly put the war to one side early in 1951. Part of this loss of interest can be explained in terms of the recurrence of ill health hinted at in his correspondence. No less important was Mao's leadership style with its marked proclivity to shift focus abruptly from one policy question to another. Putting Korea aside was especially attractive as difficulties mounted and the prospects for some sweeping success steadily dimmed. Between January and May 1951 Mao immersed himself in the campaign against counterrevolutionaries, letting the previously all important war against the imperialists in Korea intrude but occasionally.[45]

Then as suddenly as Korea had diminished in Mao's constellation of concerns, it reappeared in late May. By then the fifth major Chinese offensive had ground to a halt, confirming the military stalemate that Mao had perceived earlier and revealing the continuing problem of supply and the fragility of Chinese units in the face of a still strong enemy. The Americans, he observed on 26 May, remained determined and confident. He had failed to destroy their will to fight, and he would have to shift to a defensive strategy. Mao's own willingness to concede this point and the American approach to the Soviet ambassador to the United Nations on 31 May appears to have signaled to his colleagues that a major reappraisal of the Korean strategy was in order. On 3 June Kim Il Sung held talks with Mao and Zhou, followed in mid-June by high-level CCP discussions. This flurry of activity produced consensus on trying for a negotiated end to the conflict with the thirty-eighth parallel to serve once again as the dividing line between the two Koreas. On 23 June the Soviet UN ambassador publicly proposed talks, and it was immediately endorsed by an editorial in *Renmin ribao*. Talks opened in Kaesong on 10 July.[46]

As the combatants moved toward negotiations, Mao inserted himself into the policy process on a daily basis. To control the process, he dispatched to Korea Li Kenong, the vice-minister of foreign affairs, seconded by Qiao Guanhua, also then of the foreign ministry. They would serve as intermediaries between the Chinese negotiating team in Korea and Mao in Beijing. They would report the

[45] *Jianguo yilai*, 1: 749, 2: 61, 174, 229, for evidence of illness. Commentary and instructions on dealing with counterrevolutionaries dominate the documentation in ibid. for January through May and in all constitute about one-quarter of the documentation in the *Jianguo yilai* volume for 1951. It is possible that the apparent personal turn from the press of Korean War business is only an artifact of the compilation process.

[46] *Mao junshi wenxuan*, 352–53; Chai and Zhao, *KangMei yuanChao jishi*, 86–87; *Jianguo yilai*, 2: 322, 344, 350, 355, 357; and Nie, *Nie Rongzhen huiyilu*, 3: 741–42. Nie claims to have himself supported moving the confrontation with the United States from the battlefield to the negotiating table. For a summary of Peng's pessimistic appraisal of the military situation in late May, see "Dangdai Zhongguo" congshu bianji weiyuanhui, *KangMei yuanChao zhanzheng* [The war to resist America and assist Korea] (Beijing: Zhongguo shehui kexue, 1990), 142–43. Additional details (needing confirmation) on Sino-Soviet-Korean coordination in this period are supplied by Shi Zhe, *Zai lishi juren shenbian*, 506.

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day's developments to Mao, who in turn would prepare the instructions for the next day of talks, orchestrate the press treatment in China, and in general offer directions. He would do all this without apparent reference to either the Soviets or the North Koreans. As he waded knee deep into the details of the talks, Mao attended to matters large and small—the demarcation of the neutral zone at Kaesong, the displacement of the peasants to create a negotiating site, the rules for journalists attending the meeting, measures to assure the safety of the American negotiators, and perhaps most important of all the scope of the negotiations and the power of the negotiators. It was, all in all, another extraordinary performance, and like his handling of the intervention, it is all the more amazing for having been concealed so long from view.[47]

Reflecting back in July 1951, Mao tried to put the developments of the past year in positive terms. "As the ancients said, only by being able to fight is one then able to make peace."[48] But the fighting had already proved more costly than anticipated, and Mao would soon discover that the talks were a slow and tortuous process. Two years of deadlock would pass and China's dead and wounded on the battlefield would climb to 360,000 before the military sacrifices that China had made could be translated into a peace agreement.[49]

Meeting the American Nuclear Threat

The new materials add marginally to the impression derived from long available public sources that the Chinese leadership may have been worried but not deterred by the American nuclear threat. Recent research on the American side demonstrates that the Truman administration engaged in atomic diplomacy, first through Secretary of State Dean Acheson's leak to the *New York Times* in early August 1950, then through Harry Truman's own sensational press conference statement of 30 November, and finally through a warning conveyed by contacts in Hong Kong in May 1951. To give these threats substance, Washington kept nuclear-armed bombers within striking distance of China until late June 1951, and the air force made reconnaissance flights over the Northeast and Shandong to get data for a possible nuclear strike.[50]

Beijing publicly dismissed the nuclear threat. A lightly industrialized and heavily rural, agricultural China was not a particularly fruitful target for nuclear attack. Similarly, in Korea nuclear weapons did not seem useful as an actual tool

[47] *Jianguo yilai*, 2: 379–85, 390–92, 405, 409–19, 422, 425; Wu Xiuguan, *Eight Years in the Ministry of Foreign Affairs* (Beijing: New World Press, 1985), 85; Chai and Zhao, *KangMei yuanChao jishi*, 88–91.

[48] Zhonggong zhongyang wenxian yanjiushi, comp., *Mao Zedong shuxin xuanji* [Selected letters of Mao Zedong] (Beijing: Renmin, 1983), 416.

[49] Military casualties from Bo, *Ruogan zhongda juece*, 44–45

[50] Roger Dingman, "Atomic Diplomacy during the Korean War," *International Security* 13 (Winter 1988/89): 63–69, 76–77.

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of land warfare.[51] This tendency to downplay the nuclear threat may have been neither off-handed nor disingenuous. One study contends that the dangers of atomic warfare did at least intrude into the discussions over intervention in October 1950,[52] while another account indicates that Mao in a 5 September 1950 talk to the Council of the Central People's Government raised the atomic threat only to downplay its significance.[53] Even so, the nuclear threat required attention. Mao was concerned enough about popular fears of atomic bombing that he had the wartime mobilization campaign address them.[54] On the off-chance that the United States did attack from the air, the leadership ordered bomb shelters prepared in urban areas, some industrial plants removed from vulnerable urban sites, and civil defense education directed at the civilian population.[55]

Domestic Ramifications of Intervention

Finally, these new materials are suggestive on the pervasive impact of the Korean war on the homefront. Intervention in Korea clearly complicated the tasks of economic reconstruction and drained away scarce resources needed domestically. The constraints the war imposed on reconstruction is evident in the national budget. In 1951, the first full year of the war, defense ate up 46 percent (up from about 38 percent the previous year), and only 30 percent was left for economic development. But already by 1952 the overall military burden had dropped to 32 percent of the total budget, and economic construction had risen to an impressive 52 percent.[56]

The war also provided an opportunity to mobilize the urban population and integrate intellectuals into the new political order. This process, begun on the eve of liberation, had intensified in July 1950, paralleling China's military preparations at each step of the way. As noted above, national unity particularly preoccupied Mao as he made the decision in early October to intervene.[57] The Korean

[51] Rosemary Foot, "Nuclear Coercion and the Ending of the Korean Conflict," *International Security* 13 (Winter 1988/89): 105–106, summarizes the long available evidence that the CCP leadership thought nuclear weapons had limited utility against China.

[52] Hao and Zhai, "China's Decision," 105; Du, *Zai zhiyuanjun zongbu*, 19–20.

[53] *Zhongguo renmin zhiyuanjun kangMei yuanChao zhanshi*, 7.

[54] *Jianguo yilai*, 1:616.

[55] Mark A. Ryan, *Chinese Attitudes Toward Nuclear Weapons: China and the United States During the Korean War* (Armonk, NY: M.E. Sharpe, 1989), 107–124.

[56] Zhongguo shehui kexueyuan and Zhongyang dang'anguan, comps., *ZhongHua renmin gongheguo jingji dang'an ziliao xuanbian* [Selection of materials from the PRC economic archives] (Beijing: Zhongguo chengshi jingji shehui, 1989-), *1949–1952*, Pt. 1: *Zonghejuan* [Summary volume], 872, 891, 903. This volume and its one companion to appear to date provide a starting point for examining the economic and even to some extent political and social dimensions of the Korean War.

[57] For the public side of this mobilization campaign, see the material in Zhongguo renmin kangMei yuanChao zonghui xuanchuanbu, *Weida de kangMei yuanChao yundong*. For an inside view, see *Jianguo yilai*, vols. 1 and 2; and XinHuashe xinwen yanjiubu, comp., *XinHuashe wenjian ziliao xuanbian* [A selection of documentary materials on the New China News Agency] 4 vols. (no place, no publisher [1981–87?]), vol. 2: *1949–1953*.

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crisis also gave a push to the land reform movement in the newly liberated areas, particularly in the Southeast. After China entered the war, Mao issued orders to accelerate efforts along that vulnerable section of the coast in order to consolidate control and improve defense capabilities.[58]

Perhaps most intriguing of all the domestic ramifications is the way the war intersected with the counterrevolutionary effort. Even before the war began, Beijing had regarded as urgent the suppression of remnant Nationalist forces on the mainland (estimated at 1.5 million in late 1949), spies and covert operations sponsored by Taibei and Washington, and banditry (perhaps as high as one million). These forces of disorder and anticommunist resistance, concentrated in southeast and southwest China, attacked local government officials and party cadres, blockaded or seized towns and villages, disrupted communications, carried out looting and robbery, committed sabotage and assassinations, and attacked scattered military units. As early as 1949, the People's Liberation Army had taken responsibility for dealing with the most serious of the resistance, and it carried its efforts to a conclusion in 1952 while also fighting in Korea.[59]

Beijing's determination to eliminate counterrevolutionary forces was reenforced by the fear that Nationalist forces, perhaps backed by the United States, might launch a counterattack on the mainland and link up with residual resistance groups, creating a rallying point against the CCP. This fear predated the Korean War and was intensified by the possibility (entertained by both Mao and Peng) of amphibious landings on the coast or an American march into the Northeast as the first step in an attempt at overthrowing the CCP.[60]

According to party sources, the American intervention in Korea and especially the Inchon landing were signals of hope for China's counterrevolutionaries. Active resistance groups, now joined by landlords, secret societies, and unemployed soldiers, thought that better times were just ahead and intensified their resistance. They carried out widely scattered acts of violence extending into the Northeast, the logistical base for Chinese forces in Korea, and stirred up rumors, while intimidating local party cadres. "You're like a frog in a well with no idea of the big picture and still in a mess. The third world war is coming and the Nationalist army will be right back."[61]

The party center responded to this upsurge on 10 October with a directive calling for an end to a counterrevolutionary policy that had been too rightist in

[58] *Jianguo yilai*, 1: 659–64, 666, 669–70, 680; Ezra F. Vogel, *Canton under Communism: Programs and Politics in a Provincial Capital, 1949–1968* (Cambridge, MA: Harvard University Press, 1969), 98–99.

[59] Zhang Min, "Jianguo chuqi zhenfan douzheng gaishu" [A survey of the struggle to suppress counterrevolutionaries in the early years of the PRC], *Dangde wenxian*, 1988, no. 2, 38–40.

[60] Junshi kexueyuan junshi lishi yanjiubu, *Zhongguo renmin jiefangjun zhanshi* [A battle history of the People's Liberation Army of China] 3 vols. to date (Beijing: Junshi kexue, 1987-), 3: 395–97; *Nie Rongzhen huiyilu*, 3: 715ff; and *Jianguo yilai*, 1: 666, 669, 677.

[61] Zhongguo shehui kexueyuan and Zhongyang dang'anguan, *ZhongHua renmin gongheguo jingji dang'an ziliao xuanbian, 1949–1952: Zonghejuan*, 165.

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accommodating enemies of the new regime, killing too few, suspending the sentence of too many, and letting cases drag on too long. The party center ordered local authorities to step up internal security measures in order to blunt this threat. The first uncertain months of the military contest with the United States seems to have marked the high point of danger, which did not begin to recede until early 1951. On 24 January Mao offered the judgment that there was no risk of an American invasion (though he did think a Nationalist invasion threat remained).[62]

Gaps in the Historical Record

Important gaps still exist in our knowledge of China's entry into the Korean War. The most glaring of these are Beijing's relations with Pyongyang and Moscow. Because the party history establishment, taking its cue from the top party leadership, regards candid treatment of relations with the Soviet Union and North Korea as "inconvenient," Chinese historians generally approach the topic warily and work from limited sources. Virtually all the fresh information on this topic comes from memoirs and histories, not from primary documentation. A collection of such documentation on interparty relations is reportedly sitting on a shelf ready for wider circulation at the right moment. Perhaps with good, direct, detailed documentation of this sort, we will be able to gauge China's foreknowledge of the North Korean invasion, to learn more about the Stalin-Mao exchanges before the attack and leading up to Chinese intervention, and more generally to trace the patterns of interallied relations on the socialist side in the detail and with the assurance that is now possible for Anglo-American relations.

Other aspects of China's entry also cry out for more documentation. We need to know more about the inner party debate over intervention in early October and about the possible role doubters may have later played in prompting a negotiated settlement. The role of the foreign affairs bureaucracy and the military requires a great deal more attention. The leadership's private views on possible American nuclear attack need confirmation and amplification. Finally, the links between the war and domestic developments are still not clear enough to make an overall assessment.

An Altered Picture of the Sino-American Collision

While our perspective is still one-sided with much work remaining to be done before the scribes can offer a full and genuinely international picture of the Korean War, we do have enough fresh evidence to reconsider our broader understanding of that crisis and especially to relate what we now know about the

[62] Central committee directive in *Dangde wenxian*, 1988, no. 2, 32, and *Jianguo yilai*, 2: 68. Mao had entertained fears of an American invasion well before the outbreak of war in Korea. *Mao junshi wenxuan*, 337–38.

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Chinese side of the war to some of the key points that emerge from the recent studies of American policy.[63]

Mao's leadership style stands in striking contrast to that of Harry Truman, not least in their markedly different relationships with their respective field commanders. Recent treatments of U.S. policy reveal a Truman presidency in crisis—internally divided, under the growing scrutiny of its worried European allies, besieged by domestic critics, and confused by the failure of the Soviets to behave belligerently and the Chinese to take American professions of good will at face value. At the root of these troubles was a president whose involvement in making policy might be described as spasmodic rather than either weak or strong. He hesitated at critical moments to play a decisive role even though the interminable and inconclusive debates among his aides cried out for presidential direction.

During the summer and into the fall of 1950 he was an almost invisible man, resistant to sitting down with his key advisers and engaging in formal discussion of the chief issue that divided them—whether to cross the thirty-eighth parallel and, if so, how to do it. As MacArthur's public outbursts became increasingly serious, Truman once again proved reluctant to act against a military figure whom he held in some awe until he had the backing of another general, George C. Marshall, whom he held in no less awe. Only then did Truman overcome his lack of self-confidence and abruptly sack MacArthur. This decision brought to a close the contest over presidential prerogative and personal prestige; but the debate over limited war that had begun in earnest in December 1950 continued unabated to the end of the Truman presidency. Once again, Truman sat quietly at the center of the storm while the argument over the use of nuclear weapons, the bombing of China, a naval blockade of the China coast, and the unleashing of the Nationalist army on Taiwan swirled about him.

Mao's assertive style, his hands-on approach, and the general deference accorded him contrasts with Truman's striking lack of assurance, his episodic involvement in policy making, and the leadership vacuum that MacArthur and others sought to fill more or less constructively. For Mao the close link between politics and warfare was a given, a point that Truman was slow to grasp or at least to act on. Even when Mao withdrew from daily direction of military affairs from January to May, he still provided a guiding hand as Chinese forces adopted the strategy of rotation discussed above.

Miscalculation afflicted both sides. It has long been a commonplace in the historical literature that American leaders were dealing with a dimly imagined Chinese foe on the basis of very limited information and insight. Ignorance and wishful thinking proved especially costly between June and December 1950 when underestimation in Washington and Tokyo of Chinese determination and ca-

[63] The following observations on U.S. policy draw primarily on Burton I. Kaufman, *The Korean War: Challenges in Crisis, Credibility, and Command* (Philadelphia: Temple University Press, 1986); and Rosemary Foot, *The Wrong War: American Policy and the Dimensions of the Korean Conflict, 1950–1953* (Ithaca, NY: Cornell University Press, 1985).

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pacity led to a disastrous military setback and ultimately a costly deadlock on the battlefields of Korea.

Working from fresh evidence, historians in the mid-1980s have extended this critique of the Truman administration. They have highlighted the degree to which U.S. war aims, especially in the crucial first months of the war, were confused and unstable. Washington was deeply divided once the commitment to Korea was made in late June 1950. That initial division was exacerbated by presidential indecision and in turn produced a poorly defined policy that gyrated in response to developments on the battlefield – from caution and pessimism in late June and July, to optimistic opportunism in mid-September with the successful Inchon landing, to anxiety in November, near panic in December, and ultimately a greater equilibrium in the new year.[64]

The Chinese, we can now see, did little better. The mix of calculations Mao applied to the Korean intervention in October brings to mind nothing so strongly as the outlook in Washington at the very same time. Like the Truman administration, Mao was guided by one part "national security" and another part "new world order." Taken together, the elements that made up China's policy toward Korea were every bit as complicated and unstable as Washington's.

Once engaged in the fighting, Mao himself fell victim to the military opportunism that also characterized U.S. policy, in no small measure because he too suffered from a highly schematic view of the enemy, a view that led him as well to underestimate his foe.[65] Mao believed that a rational calculus guided the American ruling class in its approach to the Korean crisis. Once the high cost of aggression became clear, the imperialists would beat a retreat. Moreover, he believed that the masses in the United States had nothing to gain by fighting in Korea. He could accentuate popular disaffection by killing American troops and releasing American prisoners. Finally, he believed that the links between the United States and its allies were weak. By chewing up South Korean puppet forces and British commonwealth troops, he could destroy their will to fight. Thus beleaguered at home and isolated internationally, Washington would have to abandon Korea or seek a comprehensive solution of East Asian questions with China.

Finally, what is most striking about this crisis viewed from a supranational perspective is that neither side could have read the intentions of the other; hence crisis resolution or management was virtually impossible in the initial stages –

[64] In addition to the works discussed in Foot, "Making Known the Unknown War," and West, "Interpreting the Korean War," see Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford, CA: Stanford University Press, 1992), chaps. 9-10.

[65] The parallels between U.S. and Chinese behavior can be extended. Not only did both make an unsuccessful attempt at "rollback" in Korea, but also a kind of domino theory influenced the initial decision on both sides to engage militarily in Korea, and both experienced an accentuated fear of subversives at home as a result of the war.

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down to the spring of 1951. Even had Mao and Truman been clairvoyant, each would have come away from an examination of the mind of the other unimpressed by clarity of vision. Rather, both would have been shocked by the muddle their opposite number was in. This ambiguity that marked the approach of the two sides, in itself a serious impediment to managing the Korean conflict, was further heightened by time lag and perceptual distortions. What limited information one side received about the other side was often outdated when it arrived and mangled in the transmission.

The crisis was finally resolved only after a dramatic roller coaster ride. The two parties followed strikingly similar courses, but with the Chinese lagging behind the Americans in the cycle of alarm, then optimism, and finally pessimism and a grudging acceptance of a costly, long-term war. For Americans the alarm and sense of crisis began in June. The Inchon landing in September fed optimism and made possible the aggressive march north that in turn alarmed the Chinese and fed the sense of crisis in Beijing. The successful Chinese offensive in October and November advanced Beijing to the next stage of excessive optimism and aggressive campaigning, while the Americans, sobered by military reverses, moved toward a pessimistic assessment of the Korean situation. The realization of limits began to set in on the Chinese side in late December. The blood-letting Chinese forces endured in December, January, and February convinced Mao that instead of gaining a quick and decisive victory he had become entangled in a war of attrition.

Perhaps the best overall characterization of this crisis is as a process of armed interrogation. With the two parties out of synch, the crisis was difficult to stabilize until each had realized through a painful exchange of blows and counterblows how wrong its initial estimate of the enemy's intentions and will had been. Given the ambiguity of perception on both sides, the complexity of the interaction, and the instability of policy all around, it is hard to imagine the crisis developing otherwise.

Implications of Korea For Understanding Crises

The characterization offered here of Sino-American interaction during the first year of the Korean War invites special attention to one major historical problem with important theoretical as well as political ramifications: the difficulty of imposing narrative order on a crisis and then extracting patterns and lessons from it. As the treatment above suggests, the task is challenging enough when dealing with just one set of policy makers, and it becomes considerably more daunting when dealing with two sets interacting with each other under intense pressure and with great rapidity.

Yet students of foreign policy crises have put a premium on imposing narrative order. This proclivity may be the result of the interpretive paradigm that they have operated within, one committed to engaging theory, evaluating the rationality of

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policy, and offering lessons to policy makers. The poverty of documentation on most of the crises studied and the tendency to focus on one side of a crisis (usually the better understood American role) rather than the international interplay has facilitated and reenforced this impulse to reduce crises to easily encapsulated and evaluated form.

Writings on the Korean case reflect these tendencies, finding Beijing's response to the crisis reassuringly clear, unitary, and above all carefully calculated. Allen Whiting's classic *China Crosses the Yalu*, published in 1960, proved a path-breaking account that powerfully defined the direction of subsequent analysis. Neither Moscow-dominated nor irrational, the Chinese leadership depicted by Whiting acted essentially out of fear of "a determined, powerful enemy on China's doorstep." Edward Friedman writing a decade later also stressed the calculated, rational nature of Chinese policy, arguing that Beijing sought to fend off a MacArthur who seemed to have broken free from Washington's control.[66] China's thoughtful, apparently measured response to the American security threat impressed students of deterrence theory, so that China's handling of the Korean War soon became a widely cited example in the international relations literature of calculated decision making and prudent crisis management. Beijing's supposedly clear "perception of the magnitude of what was at stake" and its careful decision making contrasted dramatically with the blinkered view that led American policy makers into a costly miscalculation.[67]

Accounts over the last decade or so have accommodated increasingly rich data on the Korean intervention without however departing from the old impulse to impose clarity on CCP decision making. The Gurtov-Huang account of 1980 carried forward the theme that China was essentially responding to a security threat, even though the authors stress the importance of domestic concerns, note divisions within the leadership, and point out strong internationalist elements in Beijing's justification for intervention.[68] Jonathan Pollack's sympathetic 1986 treatment stresses that Chinese policy makers not only followed a security calculus but also drew from the war experience in a way that further sharpened that calculus.[69] Writing a few years later, Hao Yufan and Zhai Zhihai saw "primarily security concerns" guiding Beijing as it reacted in what they described as a defensive and calculated fashion.[70] The most recent accounts by Chen Jian and Thomas

[66] Whiting, *China Crosses the Yalu*, 159; Edward Friedman, "Problems in Dealing with an Irrational Power" in Friedman and Mark Selden, eds., *America's Asia* (New York: Pantheon, 1971), 207–252.

[67] Alexander L. George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York: Columbia University Press, 1974), 215. J. H. Kalicki, *The Patterns of Sino-American Crises: Political-Military Interactions in the 1950s* (London: Cambridge University Press, 1975), chap. 3, treats the Korean War as the beginning of a Chinese and American learning process that would lead to better communications in subsequent crises.

[68] Melvin Gurtov and Byong-Moo Hwang, *China under Threat: The Politics of Strategy and Diplomacy* (Baltimore: Johns Hopkins Press, 1980), chap. 2.

[69] Pollack, "The Korean War," 231, 233.

[70] Hao and Zhai, "China's Decision," 15.

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J. Christensen both continue to argue for a clearly drawn Chinese policy, and Christensen explicitly carries forward the interest in relating the Korean crisis to deterrence theory. To be sure, both Chen and Christensen take issue with earlier accounts by arguing that the first deployment of Chinese troops into Korea was not intended as a deterrent but rather reflected Mao's firm decisions of 1–2 October to administer a decisive blow against the United States and force a favorable adjustment of East Asian issues. They nonetheless see Chinese policy crystalizing early and with a fixed offensive objective in view.[71] Scholars in the PRC enjoying unparalleled access to source materials have done nothing to challenge this widespread and persistent interpretive tendency. Indeed, party orthodoxy and patriotism have inspired repeated claims that the intervention was a "brilliant decision" (*yingming juece*) unblemished by confusion, division, or opportunism.[72]

But is it possible that this string of studies goes too far in imposing order, whether for analytic neatness or national pride, and as a result fundamentally distorts our understanding of this crisis? Should we be more attuned to the element of chaos in decision making as one set of leaders formulates policy and to the element of contingency in the unfolding of crises as one set interacts with another? The reading of the Korean crisis outlined in the previous section of this article would suggest that the answer to both questions is yes. Misperception, miscalculation, and confusion were prominent, perhaps dominant features of the policy process on *both* sides. Beijing and Washington came to the crisis with attitudes that were ambivalent, even contradictory, and as each explored options ranging from inaction to all-out assault their views did not so much clarify as shift messily about.

These observations are not meant to deny rationality on the part of Chinese policy makers or for that matter on the part of Americans but to highlight the difficulty of applying the notion, especially in an international setting. It could be argued that policies within one capital, however diverse their sources, however jumbled their elements, however tentative their acceptance, however divergent their possible meanings, are nonetheless thought through by policy makers and thus can be subjected to the test of rationality within the prevailing political, cultural, and institutional framework. But when a crisis is viewed internationally and an analyst must deal with two or more historical actors each operating within

[71] Chen, "The Sino-Soviet Alliance," 27; Chen, "China's Changing Aims," 15–18, 22, 39–40; Christensen, "Threats, Assurances, and the Last Chance for Peace," 128, 136–40, 145, 148. Cumings, *The Origins of the Korean War*, 2: 740, moves in the same direction though without benefit of the new Chinese sources. He contends that Beijing's intervention was prompted above all by a sense of obligation for the contributions that Korean troops had made to China's revolution.

[72] This characterization would apply to virtually any of the secondary studies of the Korean War published over the last decade and noted above. The phrase *yingming juece* appears in the title of one of the earliest of the documented accounts to appear in the PRC. Yao Xu, "KangMei yuanChao de yingming juece" [The brilliant decision to resist America and aid Korea], *Danghshi yanjiu*, 1980, no. 5, 5–14.

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strikingly different frameworks, then rationality as a standard of evaluation is much harder to apply. In this altered context we are more likely to be struck by the degree to which each party in a crisis is radically and necessarily hobbled by badly flawed or seriously incomplete information about the other. Even if the crisis environment were transparent, information does not necessarily assemble into a coherent and correct picture. And even if the available information is assembled into such a picture, a rapidly changing situation will soon leave it outdated.

Crisis studies need to temper their preoccupation with rationality by developing a greater sensitivity to policy makers' lack of clairvoyance, their cultural blinders, and their extreme vulnerability to contingency. These studies need to recognize in turn the degree to which this debilitating trio introduces a dynamic element to crisis as each side rushes to keep its estimate of the situation, the adequacy of its will and resources, and the nature of its overall goals current with the gyrations of equally agitated policy makers on the other side. Under stress the multiple, perhaps divergent goals of policy makers become exposed and the ambiguities of calculations are revealed. Viewed in international terms, crisis management such as is seen in Korea ceases to be a simple exercise in cool ends-means analysis (or a failure to match up to that standard) and becomes instead a kind of psychological St. Vitus dance that two rivals induce in each other and that ends only after exhaustion sets in.

If this characterization of crises as events enveloped in confusion and misinformation is correct, then historians and other students of this phenomenon are left to confront the paradox that they must speak clearly about something that is inherently disorderly and governed to a large degree by chance. By the same token, policy makers face the equally paradoxical situation. Robert McNamara's well known maxim that crises, so hard to manage, are simply best avoided sounds wise and prudent. But the Korean case suggests it is hard to act on in a world of fundamentally imperfect understanding.*

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Justices Frankfurter and Black: Social Theory and Constitutional Interpretation

JEFFREY D. HOCKETT

As active participants in the New Deal, Hugo Black and Felix Frankfurter advocated a limited role for the judiciary in supervising the economic policies of accountable officials. Economic issues, however, no longer figured prominently on the U.S. Supreme Court's docket within a few years of Black's appointment in 1937. Issues of noneconomic rights and liberties were brought to the forefront by World War II and the ensuing cold war. Justices Black and Frankfurter held divergent views concerning the nature of individual rights and the Court's role in "non-proprietarian" matters. Frankfurter stressed the importance of judicial deference to the decisions of elected officials on all matters, and he contended that judges should avoid abstract and absolute conceptions of rights when deciding controversies between the individual and the state. Frankfurter also maintained that the duty to protect individual rights is entrusted to the legislature as well as the judiciary. By contrast, Black viewed the Court as primarily responsible for vindicating the rights of the individual against government. He also advocated a literal interpretation of the commands of the First Amendment and maintained that the framers of the Fourteenth Amendment intended to apply the provisions of the Bill of Rights against the states.

This article examines the underpinnings of the judicial philosophies of these men (perhaps Franklin D. Roosevelt's greatest appointees) and demonstrates that

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the justices' role orientations were predicated upon differing perceptions of social reality—perceptions drawn from divergent social circumstances and the ideologies of various political and intellectual responses to the American industrial transformation. Since the New Deal was experimental in nature and not based upon a particular social philosophy, followers of several reform traditions could unite behind Franklin Roosevelt.[1] Frankfurter's fear of abstract and absolute conceptions of rights derived from the conditions of the industrialized Northeast and the views of Progressive intellectuals, who emphasized the increasing complexity and interdependence of American society and the danger of isolating a problem or concept from the web of social factors with which it interacts. Black did not acknowledge the dangers of judicial abstraction, because southern society was not characterized by the degree of social interdependence present in the more industrialized areas of the country. Rather, Black's thought was dominated by a distrust of political authority drawn from his understanding of state and national politics. The abuses of power committed by Alabama plantation elites in frustrating the economic and political reforms advanced by southern agrarians and the enduring sectionalism of the national political process convinced Black that the judiciary must assume an aggressive role in maintaining avenues external to established political institutions for the expression of social discontent. Frankfurter did not appreciate or emphasize the reform potential of the judiciary, since his perception of national and state politics was pluralistic rather than hierarchical. He also adhered to that school of Progressivism that expressed confidence in elected and administrative elites and held forth the possibility of the disinterested use of power.

This argument challenges several stimulating studies of the judicial role orientations of Black and Frankfurter. It takes issue with the notion that Black's judicial philosophy and performance suggested a fundamental distrust of judicial judgment.[2] Black sought to tie judicial decision making to the language and history of the Constitution, not because he distrusted all exercises of judicial discretion, but to ensure judicial involvement for important anti-hierarchical objectives and to prevent the employment of discretion from impeding social reform. His willingness to use judgment when it furthered anti-hierarchical aims suggests that his philosophy was not based upon a fear of judicial discretion per se. The inability of others to recognize that Black regarded the Court primarily as a political corrective stems from a failure to consider relevant cultural variables[3] or to perceive the implications of admittedly significant social factors.[4] A challenge is also posed to the view put forth recently that Frankfurter's jurisprudence was

[1] Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Vintage Books, 1973), 410–59.

[2] See Mark Silverstein, *Constitutional Faiths: Felix Frankfurter, Hugo Black, and the Process of Judicial Decision Making* (Ithaca, NY: Cornell University Press, 1984); Tinsley E. Yarbrough, *Mr. Justice Black and his Critics* (Durham, NC: Duke University Press, 1988).

[3] See Yarbrough, *Mr. Justice Black*.

[4] See Silverstein, *Constitutional Faiths*.

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marked by a belief in immutable constitutional principles and that his faith in trained governmental experts extended to the judiciary.[5] Overall, Frankfurter's judicial behavior (that is, his consistent refusal to enforce constitutional principle) conflicted with this interpretation. The failure of some to recognize that Frankfurter's performance was based upon a deep distrust of judicial power is due to a failure to examine certain crucial cultural influences.

Felix Frankfurter

Frankfurter provided a salient clue regarding his own judicial philosophy in a commentary on the constitutional jurisprudence of Oliver Wendell Holmes. Frankfurter contended that a justice's use of the power of judicial review is determined by two psychological considerations. "It depends first," he argued, "on the judge's philosophy, conscious or implicit, regarding the nature of society; that is, on his theory of the clash of interests. This, in turn, will influence his conception of the place of the judge in the American constitutional system."[6] The thrust of Frankfurter's social theory was that American society is "permeated by the influence of technology, large-scale industry, progressive urbanization, and the general dependence of the individual on economic forces beyond his control."[7] More specifically, modern America, as a result of industrialization, is "interdependent" or "organic." Frankfurter's frequent use of these terms to describe American society suggests that attention should be given to their meaning and import.[8] This language links his thought with the ideas of certain Progressive intellectuals who attempted to adapt the disciplines of sociology, philosophy, politics, law, and economics to the circumstances of a mature, urban-industrialized society.[9]

Progressive social theorists at the beginning of the twentieth century were responding in large measure to the writings of Herbert Spencer. Progressives, of course, were troubled by the philosopher's argument that laissez-faire politics should be the accepted public philosophy. Spencer held that governmental efforts

[5] See ibid.; Gary Jacobsohn, *Pragmatism, Statesmanship and the Supreme Court* (Ithaca, NY: Cornell University Press, 1977).

[6] Felix Frankfurter, *Mr. Justice Holmes and the Supreme Court* (Cambridge, MA: Belknap Press, 1961, originally published 1938), 56.

[7] Philip B. Kurland, ed., *Felix Frankfurter on the Supreme Court: Extrajudicial Essays on the Court and the Constitution* (Cambridge, MA: Belknap Press, 1970), 544; Felix Frankfurter, *The Public and Its Government* (New Haven: Yale University Press, 1930), 1–35; Frankfurter, *Holmes and the Supreme Court*, 62.

[8] See Kurland, ed., *Frankfurter: Extrajudicial Essays*, 37, 260, 296; Frankfurter, *Public and Its Government*, 15, 32; Frankfurter, *Holmes and the Supreme Court*, 10, 30, 74, 95, 96, 103; Archibald MacLeish and E. F. Prichard, Jr., eds., *Law and Politics: Occasional Papers of Felix Frankfurter* (New York: Harcourt, Brace and Company, 1939), 347.

[9] See Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Vintage Books, 1955), 148–64.

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to promote the development of the human race would interfere with the process of natural selection.[10] But he also made the separable claim that society is an organism. While it is composed of discrete individuals, social differentiation has become so pervasive that the members of society are now mutually dependent. An individual depends upon others for his survival while contributing to the welfare of all by fulfilling a specialized function.[11] While Progressive intellectuals rejected Spencer's rigid theory of unconscious and undirected social evolution (because it was demonstrated that mankind develops as much through rational planning as through evolution),[12] they embraced his organic conception of society. The transportation-communication revolution, the expansion of the impersonal capitalist marketplace, and the process of the division of labor all contributed to the perception among serious social thinkers that society was becoming increasingly organic or interdependent. In the words of sociologist Charles Horton Cooley: "If we are to take society to include the whole of human life, this may truly be said to be organic, in the sense that influences may be and are transmitted from one part to any other part, so that all parts are bound together into an interdependent whole."[13]

Acceptance of the organicist metaphor had significant implications for political thought, since it destroyed the foundation of another justification for laissez-faire politics: to insist on the interconnectedness of social phenomena was to insist that such individualistic concepts as self-mastery and self-reliance were anachronistic. Whether the issue was poverty, unemployment, or income distribution, Progressive social theory linked interdependence to humanitarianism to challenge the ethics of laissez faire.[14]

The premise underlying this call for a new public philosophy was that a major source of error and misunderstanding in an interdependent society is the tendency to think abstractly or to isolate a phenomenon or idea from its social context. Since human affairs form a seamless web virtually uninterrupted by distinct boundaries, the removal of a thing from the network of social factors with which it interacts is to neglect the multiplicity and mutuality of causal influences at

[10] Richard Hofstadter, *Social Darwinism in American Thought, 1860–1915* (Philadelphia: University of Pennsylvania Press, 1945), 18–36; Walter Greenwood Beach, *The Growth of Social Thought* (Port Washington, NY: Kennikat Press, 1939), 116–33.

[11] Albion W. Small, *General Sociology: An Exposition of the Main Developments in Sociological Theory From Spencer to Ratzenhofer* (Chicago: University of Chicago Press, 1905), 115–29.

[12] Hofstadter, *Social Darwinism*, 52–67.

[13] Thomas L. Haskell, *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth-Century Crisis of Authority* (Urbana: University of Illinois Press, 1977), 24–47; Charles Horton Cooley, *Social Process* (New York: Charles Scribner's Sons, 1926), 26. See also Albion W. Small and George E. Vincent, *An Introduction to the Study of Society* (New York: American Book Company, 1894), 87–96; Small, *General Sociology*, 109–53; and John Dewey, *The Public and Its Problems* (Chicago: Athens Press, 1954, originally published, 1927), 141.

[14] Haskell, *Emergence of Professional Social Science*, 13–14, 23, 241–42, 254–55; Robert H. Wiebe, *The Search For Order, 1877–1920* (New York: Hill and Wang, 1967), 133–63; Samuel P. Hays *The Response to Industrialism, 1885–1914* (Chicago: University of Chicago Press, 1957), 38.

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work in society. In other words, abstraction disregards the difficulty involved in determining causation in an interdependent culture; it overlooks the primary cause of an event or occurrence and neglects the secondary effects of any action.[15] These were the errors made by proponents of laissez faire. Advocates of this doctrine erroneously concluded that the distribution of wealth in society is entirely a measure of individual effort or merit. They also failed to acknowledge the destructive consequences of the judicial use of abstract rights. Progressives rejected such juridical standards as liberty of contract or natural rights, since their use frustrates social reform in complete disregard of the realities and needs of an interdependent culture. Absolute or immutable conceptions of rights, of course, represent the worst form of abstraction, since they cannot be qualified regardless of the merit of any competing social claim.[16]

The impact of this teaching upon Frankfurter is evident, as he denounced the Court for employing abstract notions of rights in the past. When laissez faire was the dominant social philosophy, he argued, undefined constitutional provisions "were applied as barriers against piecemeal efforts of adjustment through legislation" to the problems of a complex, urban-industrial society. "Temporary facts were translated into legal absolutes; abstract conceptions concerning 'liberty of contract' were erected into constitutional dogmas." The justices were oblivious to the facts that induced economic legislation. They failed to realize that these initiatives were required to ensure "the fairer adjustments of the inevitable risks of modern industry" and to promote harmonious relations between capital and labor.[17]

The notion of cultural organicism had broader implications for Frankfurter's assessment of the judicial process as a means for resolving social controversies. Frankfurter believed that judicial adjustments of competing social claims *become increasingly dangerous* as society becomes more and more interdependent and as individual experience narrows. "[T]he restricted scope of any man's experience," he believed, ensures a flawed perception of social reality. The judicial process signally fails to compensate for the inadequacies of the human mind, since its proceedings do not alert justices to the multifarious considerations that should enter into intelligent adjustments of competing claims. Judicial decisions are *inherently abstract* because they are based "upon evidence and information limited by the narrow rules of litigation, shaped and intellectually influenced by the fortuitous choice of particular counsel."[18]

[15] Haskell, *Emergence of Professional Social Science*, 12–13. See also Morton White, *Social Thought in America: The Revolt Against Formalism* (New York: Oxford University Press, 1976), 3–31.

[16] See Dewey, *Public and Its Problems*, 86–87, 102, 145; Roscoe Pound, *An Introduction to the Philosophy of Law* (New Haven: Yale University Press, 1954, originally published, 1922), 1–47.

[17] Frankfurter, *Holmes and the Supreme Court*, 62; Frankfurter, *Public and Its Government*, 43–47; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 2.

[18] Frankfurter, *Holmes and the Supreme Court*, 21, 30, 60; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 553.

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By contrast, Frankfurter held that "[l]egislation is the most sensitive reflex of politics. It is most responsive to public needs and feelings." Unlike the judiciary, the legislature is designed to consider numerous interests likely to be affected by its decisions. The product of the legislative process, then, is not abstract; it is empirical, experimental, and correctable. Borrowing from Ernst Freund, Frankfurter contended that "gross miscarriages of justice are probably less frequent in legislation than they are in the judicial determination of controversies," as legislative experience often contradicts the best of abstract judicial reasoning.[19]

Frankfurter acknowledged that "the pressure of experience" or the "tangled skein of social-economic complexities" forced legislatures to turn to administrative instruments for the regulation of economic and social activities. Only permanent, professional administrators possess the requisite training and capacity to understand and address fully the problems of an interdependent, urban-industrial society to which a legislature is responding. While legislators are themselves incapable of ensuring the detailed execution of policy, the branch of government least qualified to address contemporary problems, according to Frankfurter, is the judiciary. Unlike administrative bodies (and, to a lesser extent, legislatures), "the occasional explosion of a lawsuit" cannot allow for "the slow building up of knowledge" and "the stimulation of experiments," which make for policy that is not abstract. Unfortunately, the judiciary (through rigid conceptions of the doctrines of the separation of powers and the delegation of legislative authority) has created obstacles to the establishment of administrative agencies. It has also frustrated effective administration by forcing regulators to struggle with abstract, unworkable judicial standards.[20]

Frankfurter's constitutional jurisprudence flowed from this critique of judicial decision making and abstract conceptions of rights. The worst evil associated with abstract judicial reasoning (that is, the invalidation of legislation needed to address contemporary problems) can be avoided, Frankfurter believed, if judges possess from the outset a proper understanding of the nature of the Constitution. This starting point is found in what he regarded as the "most important, single sentence in American Constitutional Law"—Justice John Marshall's statement in *McCulloch v. Maryland* that "it is a *constitution* we are expounding."[21] As Marshall suggested, Frankfurter noted, the Constitution is not a collection of mathematical formulas but "a broad charter of powers for the internal clashes of society." The document is "a means of ordering the life of a progressive people"; it is "a dynamic process" rather than a "printed finality."[22] Drawing upon the

[19] Frankfurter, *Public and Its Government*, 10, 50–51; Frankfurter, *Holmes and the Supreme Court*, 21, 30, 60; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 7, 296.

[20] Frankfurter, *Public and Its Government*, 72–73, 81–122, 149–53.

[21] Harlan B. Phillips, ed., *Felix Frankfurter Reminisces* (New York: Reynal and Company, 1960), 166; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 24, 252; *Frankfurter: Public and Its Government*, 75.

[22] Frankfurter, *Holmes and the Supreme Court*, 23, 27, 58–59, 96. See also *Frankfurter: Public and Its Government*, 76; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 25, 252–53; Frankfurter

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thought of James Bradley Thayer, Frankfurter argued that since the limitations contained in the Constitution are not self-defining, the Court should only interpose its veto in those rare instances "when there is no doubt about the constitutional transgressions." In most instances, the justices must defer to the legislature's inductive responses to the problems of an interdependent society.[23]

Frankfurter's belief that the Constitution is devoid of absolute prohibitions and allows for governmental experimentation was evident in his approach to the due process clause of the Fourteenth Amendment. Since this provision served historically as the vehicle for harmful abstract judicial reasoning, Frankfurter was driven to reduce its role as a means for the exercise of judicial power. The justices of the *Lochner* majority, in Frankfurter's view, failed to realize that this vague generality was not intended "to defeat life by formal [abstract] logic." State officials have "a localized knowledge of details" that the judicial process does not afford and "a concreteness of interest" in solving immediate problems that the justices do not possess. And a proper interpretation of the due process clause requires a marked "regard for local needs and local habits" and great "deference to local knowledge."[24]

As a Supreme Court justice, Frankfurter refused to incorporate the provisions of the Bill of Rights into the Fourteenth Amendment in order to deprive the Court of permanent avenues into state affairs. He feared that permanent application of the provisions of the Bill of Rights against the states would hamper local efforts to accommodate liberty and authority.[25] He employed the concept of due process on occasion to invalidate the actions of state officials, which "shocked the conscience" or violated "those fundamental notions of fairness and justice . . . which lie embedded in the feelings of the American people."[26] But his customary deference to the decisions of state officials belied the notion put forth by some scholars that he regarded the Court under this provision as "*an active participant* in the effort to achieve political realization of [immutable] constitutional principle."[27] Frankfurter's preservation of a limited role for the judiciary under the Fourteenth Amendment was largely a response to the spread of totalitarianism in Europe in the 1930s. He viewed the concept of due process, or fundamental

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to Gage, 12 June 1916, *The Papers of Felix Frankfurter*, Box 184, Library of Congress, Manuscript Division, Washington, DC.

[23] Frankfurter, *Public and Its Government*, 49, 74–75; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 252, 296, 454; Phillips, ed., *Felix Frankfurter Reminisces*, 299–300.

[24] Kurland, ed., *Frankfurter: Extrajudicial Essays*, 32, 260.

[25] See *Adamson v. California*, 332 U.S. 46, 59–68 (1947).

[26] *Rochin v. California*, 342 U.S. 165, 173 (1952); *Haley v. Ohio*, 332 U.S. 596, 607 (1948).

[27] Jacobsohn, *Pragmatism, Statesmanship, and the Supreme Court*, 131, 141 (emphasis added). See also Silverstein, *Constitutional Faiths*, 70–72, 148–49; and Frankfurter's holdings in *Minersville School District v. Gobitis*, 310 U.S. 586 (1940); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); *Ashcraft v. Tennessee*, 322 U.S. 143 (1944); *Lyons v. Oklahoma*, 322 U.S. 596 (1944); *Adamson v. California*, 332 U.S. 46 (1947); *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459 (1947).

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fairness in government, as a distinguishing feature between the American notion of law and the "brutal conception of society" at the heart of fascism.[28] But the force of the notion of "*immutable* principles of justice," which are independent of the specific provisions of the Bill of Rights,[29] competed with (and was usually overcome by) his more fundamental assumptions concerning the danger of abstraction and the inherent flaws of the judicial process. Frankfurter's failure to identify timeless principles under the due process clause was deliberate and stemmed from his hostility to the view that the Constitution contains principles that necessitate judicial intervention without regard to time or circumstance.

Another instance of Frankfurter's hostility to abstraction in constitutional adjudication was his interpretation of the right of free speech. Before he was a justice, Frankfurter argued that there are limits "to this essential condition of a free society." He praised Justices Holmes and Brandeis for not erecting freedom of speech "into a dogma of absolute validity" or enforcing it "to doctrinaire limits." Their free speech opinions, he believed, "reveal consciousness of a world for which no absolute is adequate." To provide absolute protection to speech would be to neglect possible causal links between this freedom and events harmful to society.[30] This principle informed Frankfurter's constitutional decision making and led him to acquiesce in legislative determinations that the curtailment of the right of speech was necessary to accommodate such interests as national unity, national security, the right to a fair trial, and the preservation of public peace.[31] Contrary to the view that Frankfurter expected judges to assume "the statesmanlike task of balancing the principle of free expression against the needs of a democratic state,"[32] his extreme deference to legislation affecting speech suggested rather a belief that the legislature, not the judiciary, is the institution best suited to articulate and adjust competing interests. In view of his critique of the judicial process, one is compelled to reach this conclusion.

Frankfurter's desire to promote the withdrawal of the judiciary from American politics was most evident in his dismissal of the eighteenth-century notion that the Court has a special responsibility to vindicate the rights of the individual against government. One of the Framers' greatest fears was the abuse of legislative authority. The Court, it was thought, would provide an independent bulwark against legislative invasions of personal liberties.[33] By contrast, Frankfurter be-

[28] Frankfurter to Max Lerner, 3 March 1943, *Frankfurter Papers*, Box 76. See also Edward A. Purcell, Jr., *The Crisis of Democratic Theory: Scientific Naturalism and the Problem of Value* (Lexington: University Press of Kentucky, 1973).

[29] *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 468–70 (1947) (emphasis added).

[30] Frankfurter, *Holmes and the Supreme Court*, 22–23, 76; Kurland, ed., *Frankfurter: Extrajudicial Essays*, 177, 265, 268, 507.

[31] *Minersville School District v. Gobitis*, 310 U.S. 586 (1940); *Dennis v. United States*, 341 U.S. 494 (1951); *Bridges v. California*, 314 U.S. 252 (1941); *Kovacs v. Cooper*, 336 U.S. 77 (1949).

[32] Silverstein, *Constitutional Faiths*, 176, 178, 180, 191.

[33] W. B. Gwyn, *The Meaning of the Separation of Powers: An Analysis of the Doctrine From Its Origin to the Adoption of the United States Constitution* (New Orleans: Tulane University, 1965),

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lieved that in a democratic society this duty belongs as much to the legislature itself as to the judiciary; it is a reciprocal obligation. The Court's "only and very narrow function is to determine whether within the broad grant of authority vested in legislatures they have exercised a judgment for which reasonable justification can be offered." Frankfurter accepted Thayer's contention that a more significant role is unwarranted, since it can be assumed legislators will respect individual rights. Like judges, legislators take an oath to support the Constitution.[34]

Frankfurter's rejection of the view that the judiciary must serve as a counterpoise to democratic rule persisted even in the face of manifest injustice. For instance, in the well known flag salute cases, Frankfurter yielded to the tenuous argument that the daily observance of a flag salute ceremony in public schools is so important for the promotion of national unity that the sincere claims of a religious minority must be sacrificed and dissenting children compelled to participate. The value of this ceremony for instilling patriotism, he believed, was a matter for legislative judgment informed by current scientific knowledge. Frankfurter held that the judiciary need not function as a political corrective, since effective means of inducing political change already exist in the normal course of electoral and interest group politics.[35] His opinions were not informed by the belief that accountable officials cannot always be trusted to respect minority interests, or that in the event of the passage of "foolish" legislation, the political process may not be receptive to minority demands to alter unjust policies.[36]

Frankfurter's pluralistic conception of politics can be attributed, in part, to his impression of the responsiveness of Congress and several northeastern state legislatures to the diverse needs of an industrial society. In his book, *The Public and Its Government*, Frankfurter examined the performance of the legislatures of New York, Connecticut, and Massachusetts in addressing contemporary problems and concluded:

> In the unexciting pages of contemporary session laws, one finds that nothing that is

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120–28; M. J. C. Vile, *Constitutionalism and the Separation of Powers* (New York: Oxford University Press, 1967), 119–75.

[34] *Minersville School District v. Gobitis*, 310 U.S. 586, 600 (1940); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 648–49, 667 (1943); *Dennis v. United States*, 341 U.S. 494, 517 (1951). See James Bradley Thayer, "The Origin and Scope of the American Doctrine of Constitutional Law," *Harvard Law Review* 7 (October 1893): 149.

[35] *Minersville School District v. Gobitis*, 310 U.S. 586, 597–98, 600 (1940); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 661–62, 664 (1943).

[36] Frankfurter's understanding of the political process anticipated the tenets of pluralist political thought. The major pluralist theorists are Robert Dahl, *Pluralist Democracy in the United States: Conflict and Consent* (Chicago: Rand McNally and Company, 1967); and David B. Truman, *The Governmental Process: Political Interests and Public Opinion* (New York: Alfred A. Knopf, 1951). For a critique of pluralist theory, see Theodore J. Lowi, *The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority* (New York: W. W. Norton and Company, 1969).

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> human is alien to the legislator. Callings are regulated, conduct is prescribed and proscribed. Private enterprise is subjected to a network of public control. Practically the whole gamut of economic enterprise is under the state's scrutiny by an intricate administrative system of licenses, certificates, permits, orders, awards, and what not. The *Index to State Legislation* . . . reads like an inventory of all of man's secular needs for their fulfillment.[37]

He held a similar view regarding the responsiveness of Congress to national concerns.[38] Frankfurter was also impressed with the growth of administrative bodies in the Northeast and at the national level, and he was very familiar with and admired the innovative work of several of the nation's foremost regulators (in particular, Charles Francis Adams and James M. Landis).[39] In short, Frankfurter became convinced that the political process is responsive to the needs and concerns of all segments of society.

Frankfurter's trust of politics also stemmed from the expectations he acquired during his days as a Bull Moose reformer and a disciple of the Hamiltonian elitism of Herbert Croly. Frankfurter was attracted to this school of Progressivism because he was concerned with resolving the conflicts between groups that are inevitable in a diverse nation. He held that a remedy for these problems was afforded by Theodore Roosevelt's third party effort and Croly's book *The Promise of American Life*.[40] Croly and Roosevelt maintained that social conflicts can be ameliorated through strong political leadership that transcends partisan divisions and illuminates the true interest of the nation. In other words, the task of the statesman is to convince the populace that the true interest of particular groups is to put aside narrow, partisan goals for the accomplishment of a larger, national purpose which benefits all.[41] In Frankfurter's words: "[P]olitics is a process of popular education—the task of adjusting the conflicting interests of diverse groups in the community, and bending the hostility and suspicion and ignorance engendered by group interests toward a comprehension of mutual understanding."[42] Frankfurter's close contact with such public personages as Theodore and Franklin Roosevelt, Louis Brandeis, and Henry L. Stimson led him to believe that the disinterested, impartial use of power is much more than a theoretical possibility.[43]

[37] Frankfurter, *Public and Its Government*, 29.

[38] Ibid., 24–26.

[39] Ibid., 81–88; Thomas K. McCraw, *Prophets of Regulation: Charles Francis Adams, Louis D. Brandeis, James M. Landis, Alfred E. Kahn* (Cambridge, MA: Belknap Press, 1984), 1–56, 153–209.

[40] Frankfurter, *Public and Its Government*, 161; Charles Forcey, *The Crossroads of Liberalism: Croly, Weyl, Lippmann, and the Progressive Era, 1900–1925* (New York: Oxford University Press, 1961), 6, 27; MacLeish and Prichard, eds., *Law and Politics*, 305–13; Wiebe, *Search for Order*, 156–63.

[41] Herbert Croly, *The Promise of American Life* (Indianapolis: Bobbs-Merrill, 1975, originally published 1909); Forcey, *Crossroads of Liberalism*, 3–51; Hofstadter, *American Political Tradition*, 266–307.

[42] Frankfurter, *Public and Its Government*, 161.

[43] See Phillips, ed., *Felix Frankfurter Reminisces*, chaps. 5–7, 23. Silverstein is wise to examine Frankfurter's association with these individuals (*Constitutional Faiths*, 57–89). But by overlooking

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Frankfurter was not entirely uncritical of the American political process. The right to be secure against unreasonable searches and seizures, he believed, is an especially fragile liberty. This is because this protection "is normally invoked by those accused of crime [,] and criminals notoriously have few friends." In other words, the right is likely "to be encroached upon . . . in a short-sighted desire to protect society against crime."[44] In view of this political critique, it is not surprising that Frankfurter's usual deference toward political judgments was absent in Fourth Amendment cases.[45] He acknowledged an uncharacteristic willingness to provide judicial protection for this right when he said that the Court "should be more exacting in observing the prohibition of unreasonable search and seizure than the requirement of freedom of speech, for the simple reason that the latter has strongly organized forces in its support—the press, the movie interests, publishers, etc., etc., while there is no such organized constituency on the alert against unreasonable search and seizure."[46] Frankfurter's pronounced fear of judicial abstraction was thus overcome in this limited area of constitutional adjudication by a belief that the Court must serve as a political corrective—a belief that formed the core of the judicial philosophy of Frankfurter's famous colleague and jurisprudential opposite.

Hugo Black

Hugo Black's conception of the nature of power and his views concerning the character of the Constitution and the Court's role in American politics presented a marked contrast to the public philosophy and constitutional jurisprudence of Felix Frankfurter. Black harbored a profound distrust of political authority and was ever-cognizant of the possibility of majority oppression. He believed that our constitutional system was constructed with the understanding that "too much power in the hands of officials is a dangerous thing." The creation of a written Constitution and Bill of Rights was thought to afford "the best way to protect minority rights from the tyranny of the majority."[47] And the Court, he argued, has "the primary responsibility and duty of giving force and effect to constitutional

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the influence of cultural organicism on the justice's thought, Silverstein mistakenly argues that Frankfurter's trust of governmental experts extended to the judiciary (ibid., 55).

[44] Frankfurter to Frank Murphy, 15 February 1947, *Frankfurter Papers*, Box 86.

[45] See his holdings in *Harris v. United States*, 331 U.S. 145 (1947); *Johnson v. United States*, 333 U.S. 10 (1948); *McDonald v. United States*, 335 U.S. 451 (1948); *Brinegar v. United States*, 338 U.S. 160 (1949); *On Lee v. United States*, 343 U.S. 747 (1952).

[46] Frankfurter to Zecharia Chafee, Jr., 25 October 1955, *Frankfurter Papers*, Box 42.

[47] Hugo L. Black, "Justice Black and First Amendment 'Absolutes': A Public Interview," *New York University Law Review* 37 (June 1962): 555, 557, 560-61; Hugo L. Black, "The Bill of Rights," *New York University Law Review* 35 (April 1960): 867, 869, 879; Hugo L. Black, *A Constitutional Faith* (New York: Alfred A. Knopf, 1968), 7.

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liberties and limitations upon the executive and legislative branches," since it is the only branch of government that is not accountable to a constituency.[48]

Black's attention to judicial protection of rights against government led naturally to an affinity for the abstract articulation of those rights. Unlike Frankfurter, who had great respect for local knowledge and local efforts to accommodate the competing interests of liberty and authority, Black (supporting his position with a controversial interpretation of the history of the Fourteenth Amendment) called for the application of the entire Bill of Rights against the states. While he agreed that states should be allowed to engage in economic experimentation (he did not believe that the due process clause empowered judges to evaluate the substance or reasonableness of laws), he "never believed that under the guise of federalism the states should be able to experiment with the protections afforded our citizens through the Bill of Rights."[49]

Black's use of abstract judicial reasoning was also evident in his controversial absolutist-literalist interpretation of the language of the First Amendment. In a reference to the guiding principle of Frankfurter's views on constitutional interpretation, Black said: "Of course I realize 'that it is *a constitution* we are expounding.' But this does not mean that in order to obtain results thought to be desirable at the time, judges may rewrite our basic charter of government under the guise of interpreting it." In other words, judges should realize that the First Amendment "mean[s] what the words say," namely, "without deviation, without exception, without any ifs, buts, or whereases, . . . government shall not do anything to people . . . either for the views they have or the views they express or the words they speak or write."[50] Justice Black's broad interpretation of this provision led him to reject legislative determinations that limitations on speech were justified by such considerations as national unity, national security, the right to a fair trial, and (at least for most of his judicial tenure) the preservation of public peace.[51]

Black's judicial philosophy can be understood if one adopts Frankfurter's suggestion and illuminates his perception of the nature of society or his theory of the clash of political and social interests. Black possessed a hierarchical percep-

[48] Black, "Bill of Rights," 870; Black, *A Constitutional Faith*, 11, 18. See also *Mapp v. Ohio*, 367 U.S. 643, 663n.8 (1961).

[49] Black, *A Constitutional Faith*, 23–42; *Adamson v. California*, 332 U.S. 46, 68–123 (1947). For a critique of Black's analysis of the history surrounding the Fourteenth Amendment, see Raoul Berger, *Government By Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge, MA: Harvard University Press, 1977), 134–56.

[50] Black, *A Constitutional Faith*, 8, 45 (emphasis in original); Black, "First Amendment 'Absolutes'," 554. For a critique of Black's interpretation of the free speech guarantee, see Leonard W. Levy, *Emergence of a Free Press* (New York: Oxford University Press, 1985), vii–xix.

[51] *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); *Dennis v. United States*, 341 U.S. 494 (1951); *Bridges v. California*, 314 U.S. 252 (1941); *Feiner v. New York*, 340 U.S. 315 (1951); *Kovacs v. Cooper*, 336 U.S. 77 (1949). For a discussion of Black's later unwillingness to accord constitutional protection to demonstrative speech, see below, fn. 81 and accompanying text.

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tion of social reality and a fear of political power that warranted a significant role for the judiciary. The following statement summarizes a significant part of Black's jurisprudence and its theoretical underpinnings:

> The provisions of the Bill of Rights that safeguard fair legal procedures came about largely to protect the weak and the oppressed from punishment by the strong and the powerful who wanted to stifle the voices of discontent raised in protest against oppression and injustice in public affairs.[52]

While this passage provides an interpretation of the events surrounding the founding, it also served for Black as a description of contemporary reality. Black believed that the conditions that necessitated the creation of the Bill of Rights did not disappear after the founding. In fact, the source of Black's stratified or hierarchical view of society and his distrust of governmental authority can be traced to the political situation in Alabama during the final decade of the nineteenth century. Black identified this period in his state's history as having a profound influence on his thought.[53]

Unlike the Northeast, the South was affected near the turn of the century by the politics of agrarian radicalism. Agrarianism was the ultimate political response of many southern farmers to numerous problems caused by the conditions of the Reconstructed South, the expansion of the capitalist marketplace to an international arena, and the introduction of industry to the region. After the Civil War, many farmers struggled with such burdens as an oppressive crop lien credit system and artificially high railroad rates.[54] In response to these and other problems, farmers sought governmental relief. Initially, the farmers did not form a separate political movement to challenge incumbents. Most hoped to secure reforms through the state legislatures.

In Alabama, however, reform was not forthcoming, since the legislature was dominated by plantation elites or Bourbon Democrats. The conservative politics of Bourbonism (whose proponents posed as upholders of true southern ideals, identified themselves with propertied interests, and embraced a fierce Negrophobia)[55] was concentrated in the fertile lands of the southern portion of the state known as the Black Belt. The wealth and traditions of the Black Belt contrasted sharply with the poverty of the reform-minded farmers in northern Alabama.[56]

[52] Black, "Bill of Rights," 880. See also *Feldman v. United States*, 322 U.S. 487, 500–01 (1944); *Chambers v. Florida*, 309 U.S. 227, 238 (1940); *Bartkus v. Illinois*, 359 U.S. 121, 163 (1959).

[53] Silverstein, *Constitutional Faiths*, 95; Black to Irving Dilliard, 13 July 1962; Black to John Frank, 20 January 1948, *The Papers of Hugo L. Black*, Boxes 25, 460, Library of Congress, Manuscript Division, Washington, DC.

[54] Silverstein, *Constitutional Faiths*, 93; Lawrence Goodwyn, *Democratic Promise: The Populist Movement in America* (New York: Oxford University Press, 1976), 26–31; William Warren Rogers, *The One-Gallused Rebellion: Agrarianism in Alabama* (Baton Rouge: Louisiana State University Press, 1970), 3–30, 95, 124.

[55] William Ivy Hair, *Bourbonism and Agrarian Protest: Louisiana Politics, 1877–1900* (Baton Rouge: Louisiana State University Press, 1969), 23–24.

[56] Silverstein, *Constitutional Faiths*, 93.

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The protracted resistance of the Bourbons to the demands of the farmers convinced those desiring reform that political action could only be attained outside of the Democratic party.[57] Agrarian efforts to win political office, however, were continually frustrated, as the Bourbons manipulated elections to prevent this occurrence. In state legislative and gubernatorial contests in the 1890s, ballot boxes containing agrarian majorities were stolen, false ballots for Bourbon candidates were registered, and votes were influenced through the use of money, whiskey, intimidation, and threats. On the basis of available evidence concerning the gubernatorial election of 1892, it appears that Reuben Kolb, the agrarian candidate, received the most votes but was denied his office by Bourbon machinations. The 1894 gubernatorial contest was so marked by fraud that even several Democratic newspapers protested, fearing Alabamians would refuse to accept the results. Because no law or constitutional provision permitted elections to be contested, the agrarians' options to achieve reform were limited.[58]

One avenue left open to the agrarians was the creation of a reform press that would expose Bourbon corruption, criticize incumbents, and promote agrarian views. Various Jeffersonian Democrat and Populist newspapers assumed a vital role in the agrarian movement. Through the efforts of agrarian editors, "the state was made aware of long-standing corrupt election practices, and the evils of machine politics were brought home as never before." Statewide newspapers and smaller but equally important county journals were so censorious toward the Bourbons that certain editors had libel charges filed against them. While the reform newspapers did not succeed in wresting political control from the Bourbons before the nation-wide decline of the Populist movement after 1896, they had a significant impact upon Alabama politics. "That the papers added color is undeniable; that they angered the Democrats is certain; that they influenced voters is probable." More importantly, the papers created pressure that helped to secure the passage of an election contest law and other legislation that benefited agricultural interests.[59]

Black witnessed the political gains of the farmers of northern Alabama but soon realized that the struggle against the Bourbons was a perennial one. The divisions present in Alabama at the turn of the century remained constant over many decades, and Black ultimately became a participant in the state's political conflicts. As United States senator, he experienced firsthand the power of the plantation elites. He was elected to the Congress by appealing to "the unorganized farmer" or "poor toiler."[60] His constituency was dealt a serious blow when the Bourbons, who dominated the state Democratic Executive Committee, purged

[57] Rogers, *One-Gallused Rebellion*, 165, 193, 219, 267; Sheldon Hackney, *Populism to Progressivism in Alabama* (Princeton, NJ: Princeton University Press, 1969), 77–88.

[58] Rogers, *One-Gallused Rebellion*, 217–35, 282.

[59] Ibid., 249–270, 294, 331, 334.

[60] Black, Opening speech for his 1926 senatorial campaign, 20 March 1926, *Black Papers*, Box 476.

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Alabama's senior senator, Thomas Heflin, from the party before Heflin's 1930 reelection bid. Heflin, who shared Black's constituency, had supported Republican Herbert Hoover in the presidential race of 1928, since the Democrats had fielded Al Smith, whose urban-Catholic background and antiprohibition stance were anathema to many southerners. In response, the Democratic Committee passed a measure requiring future candidates to take an oath that they had backed Smith.[61] Black had supported Smith (after his efforts to prevent the nomination failed) but was outraged by the "political skullduggery and manipulation" of his political enemies. The committee's action, according to Black, "boldly attempts to limit all voters, to a choice of candidates from a specially privileged class named by the Committee." He denied "that an effort thus to restrict and hamper the exercise of the right of suffrage is either morally or legally sound. Viewed from the voter's standpoint it is bureacratic [*sic*] robbery." In order to prevent this "small clique" from assuming "control of Alabama for and by the clique, and in the interest of special privilege and plunder," Black called upon his constituents to vote the committeemen out of office. He also urged Heflin to challenge the loyalty oath in the courts.[62]

Neither of these remedial measures was pursued, however, and Black was forced to decide whether to support Heflin's insurgent third party effort or remain within the party and back the Bourbon candidate, John Bankhead. Black chose the latter course of action in large measure because of a profound distrust of the Republican party, which stood to gain by the division of southern Democrats. Black regarded the Republican party as the "party of sectionalism and plutocracy." He contended that it "is now and has always been sectional in its awards and in its punishments."[63] Black's harsh comments were understandable, since "[t]he American party system of the late nineteenth and early twentieth centuries was firmly rooted in economic competition between the metropolitan-industrial North and the rural-agrarian South." During this time period, national income was systematically redistributed as the South was forced to finance northern industrial development through duties placed on imported products or through inflated prices for domestic goods.[64] Speaking on the Hawley-Smoot Tariff Act of 1930, Black argued that its Republican sponsors "had never stood for a fair and equitable spread of tariffs to both raw products and manufactured products"; and he expressed pride in having "voted against that iniquitous, sectional, robbing, extortionate measure."[65] The sectionalism of the national political process

[61] Silverstein, *Constitutional Faiths*, 112–16.

[62] Black, untitled, undated, handwritten essay; Black to John R. McCain, 30 December 1929; Black to J. Johnston Moore, 28 June 1930; Black to Hugh H. Ellis, 28 August 1930, *Black Papers*, Boxes 102, 104, 104, 195.

[63] Black, untitled speech given in Montgomery, Alabama, 1930, *Black Papers*, Box 476.

[64] Richard Franklin Bensel, *Sectionalism and American Political Development: 1880–1980* (Madison: University of Wisconsin Press, 1984), 60–103, 368.

[65] Black, "Senator Black's Record on the Tariff," *Black Papers*, Box 476.

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led Black to oppose any measure aimed at combatting the power of the Alabama plantation elites that would redound to the benefit of the Republican party. Reform of the Democratic party ("the traditional friend of the South"), he believed, must be internal.[66]

The influence of agrarianism and sectionalism is apparent in Black's constitutional jurisprudence. In view of the crises faced by Alabama farmers, Black acknowledged the necessity of judicial deference toward legislative efforts to improve the lives of those harmed by economic changes in society. Yet, his understanding of state and national politics led him to believe that those who possess political power may not be receptive to the views of those who seek to alter the social order. In fact, the Bourbons demonstrated that public officials might attempt to silence opposition, thereby frustrating any possibility of reform. Consequently, Black advocated an intrusive role for the federal judiciary in nonproprietarian state matters via the due process clause of the Fourteenth Amendment. And he maintained that the judiciary must have the primary responsibility of protecting individual rights (especially the anti-hierarchical rights of free speech and press) from infringement by the federal and state governments. As if echoing the voice of a crusading editor of the agrarian reform press, Black said that "the proponents of the First Amendment . . . were determined that every American should possess an unrestrained freedom to express his views, however odious they might be to vested interests whose power they might challenge."[67]

It may seem odd that Black's intense concern for the protection of individual liberties was not moderated by a fear of absolutism or judicial abstraction, which would have been based on the modern notion of social interdependence. But Black's possession of a benign view of abstraction was the product of a peculiar social environment. He spent most of his life in an area of the country that contained relatively few elements of a complex, urban-industrial society. He practiced law for many years in Birmingham, Alabama, the most industrialized city in a predominantly agrarian state.[68] But Birmingham's economy was dominated by a few major industries, primarily steel production and cotton textile manufacturing. The growth of southern manufacturing was stunted until well into the twentieth century by suspicious agrarians (who often fought legislation intended to foster industrial growth), insufficient capital, and northeastern economic policies that destroyed competitive advantages of southern producers.[69] Since southern society was not as dynamic or diverse as the mature, industrialized areas of the North, it is not surprising that Black thought that the most significant feature of society is its hierarchical rather than its interdependent nature.

This view of society led Black to draw a very different lesson from the *Lochner*

[66] Black to J. Johnston Moore, 28 June 1930; Black to Theo F. May, 17 June 1930; Black to Hugh H. Ellis, 28 August 1930, *Black Papers*, Boxes 104, 104, 195.

[67] *Feldman v. United States*, 322 U.S. 487, 501 (1944).

[68] Silverstein, *Constitutional Faiths*, 97–101.

[69] Hays, *Response to Industrialism*, 116–139; Wiebe, *Search For Order*, 111–32, 206.

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and anti-New Deal decisions than was drawn by Frankfurter. This period in the Court's history did not make Black wary of abstract rights in general or suggest to him that defects inherent in the judicial process cause judges to neglect considerations that must enter into enlightened adjustments of competing social interests, whether these interests are economic or nonproprietarian. Rather, the Court's decisions, in Black's view, merely represented an attempt by those possessed of economic and political power to impose a controversial public philosophy upon the Constitution in order to frustrate attempts by the "weak and oppressed" to bring about reform.[70]

Unlike Frankfurter, Black's distrust of judicial review was limited to decisions that frustrate anti-hierarchical aims. Indeed, his abstract jurisprudence was intended to preclude the possibility that the Court would act as a brake on progress and to render certain the use of judicial power for social change. Put another way, Black's efforts to restrain judicial judgment (through the rejection of substantive due process, the total incorporation of the Bill of Rights into the Fourteenth Amendment, and an absolutist interpretation of the free speech and press guarantees) were fundamentally result oriented. The result-oriented nature of Black's jurisprudence was evident when he argued that the problem with Frankfurter's due process standard is that it "has been used . . . to preserve the economic status quo and to block legislative efforts to cure its existing evils. At the same time, the Court has only grudgingly read into 'civilized standards' the safeguards to individual liberty set out in the Bill of Rights."[71]

It has been argued that Black's jurisprudence was based upon a fear of judicial discretion rather than a desire to achieve anti-hierarchical aims.[72] The proof of this is said to be the fact that the justice's efforts to limit discretion often precluded his reaching anti-hierarchical results in constitutional controversies. The more notable examples of Black's adherence to the conservative implications of his jurisprudence were his marked deference to public authority in Fourth Amendment (unreasonable search and seizure) cases, his hesitancy to declare punishments cruel and unusual in Eighth Amendment cases, and his refusal to acknowledge a right of privacy in the Fourteenth Amendment.[73]

This interpretation of Black's jurisprudence is problematic, however, in light of the justice's background. Black did not form his judicial philosophy in a vacuum, and this study has suggested that his Populist past is of prime signifi-

[70] Black, *A Constitutional Faith*, 24–25.

[71] Memo by Hugo Black headed "Re: No.376, Malinski," 23 March 1945, *Frankfurter Papers*, Box 218.

[72] Silverstein, *Constitutional Faiths*; Yarbrough, *Black and His Critics*.

[73] See Black's holdings in the Fourth Amendment cases *Harris v. United States*, 331 U.S. 145 (1947); *Ker v. California*, 374 U.S. 23 (1963); *Terry v. Ohio*, 392 U.S. 1 (1968); *Sibron v. New York*, 392 U.S. 40 (1968); *Chimel v. California*, 395 U.S. 752 (1969); *Vale v. Louisiana*, 399 U.S. 30 (1970). For his approach to the Eighth Amendment, see *McGautha v. California*, 402 U.S. 183, 226 (1971). For his rejection of the notion of a right of privacy in the Fourteenth Amendment, see *Griswold v. Connecticut*, 381 U.S. 479, 507 (1965).

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cance for understanding his judicial thought. Even those who maintain that Black's jurisprudence was not result-oriented concede at least this much.[74] These scholars fail to realize, however, that a Populist-inspired conception of reality allows for the use of judicial judgment for anti-hierarchical purposes. While it is true that the Populists feared unchecked governmental power, including judicial power, this is stated too broadly. Populism was based upon a hierarchical view of society and politics and a fear of the political and economic exploitation of society's weaker members by its stronger elements. Populists sought restraints on power, not because they feared discretion per se but because they hoped to secure anti-hierarchical results.[75] Those influenced by the movement would thus welcome exercises of judicial discretion, so long as they are employed to support marginal social and political groups.

It should not be surprising that Black frequently ignored the confines of his jurisprudence and used discretion to further anti-hierarchical aims. Some found it anomalous that Black affirmed the unconstitutionality of malapportionment: such a position conflicted with his jurisprudence, since neither the language nor the history of the equal protection clause of the Fourteenth Amendment requires the reapportionment of electoral districts.[76] Black's position is understandable, however, when one considers that the reapportionment decisions weakened the hegemony of the plantation elites across the South by shifting the distribution of political power away from the rural Bourbons and toward the increasingly urbanized lower classes.[77] Black also agreed in numerous instances that the concept of due process has independent content apart from the provisions of the Bill of Rights and the historically validated procedural requirements of formal notice and hearing.[78] While Frankfurter regarded the due process clause of the Four-

[74] Silverstein maintains the significance of Black's Populist background (see *Constitutional Faiths*, 90–126). (Indeed, I have drawn upon Silverstein in this article.) Though Yarbrough does not examine Black's background, he also apparently accepts the view that the justice's jurisprudence was the product of Alabama Populism, since he refers approvingly to Silverstein's work (see *Black and His Critics*, 160–61).

[75] See Goodwyn, *Democratic Promise*.

[76] See Yarbrough, *Black and His Critics*, 226–32; G. Edward White, *The American Judicial Tradition: Profiles of Leading American Judges* (New York: Oxford University Press, 1976), 357–58; Philip B. Kurland, *Politics, the Constitution, and the Warren Court* (Chicago: University of Chicago Press, 1970), 180; and Black's holdings in *Colegrove v. Green*, 328 U.S. 549 (1946); *Baker v. Carr*, 369 U.S. 186 (1962); *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Hadley v. Junior College District*, 397 U.S. 50 (1970). For a discussion of the history surrounding the equal protection clause, see Berger, *Government by Judiciary*, 69–98, 166–92.

[77] Bensel, *Sectionalism*, 256–57.

[78] See Black's holdings in *Lanzetta v. New Jersey*, 306 U.S. 451 (1939); *Hysler v. Florida*, 315 U.S. 411 (1942); *Pyle v. Kansas*, 317 U.S. 213 (1942); *Edelman v. California*, 344 U.S. 357 (1953); *Alcorta v. Texas*, 355 U.S. 28 (1957); *Thompson v. City of Louisville*, 362 U.S. 199 (1960); *Miller v. Pate*, 386 U.S. 1 (1967). For an historical argument that the concept of due process is limited to the procedural requirements of formal notice and hearing, see Berger, *Government by Judiciary*, 193–220.

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teenth Amendment as an independent concept in order to deprive the Court of permanent avenues into state affairs, Black employed discretion in due process cases in order to extend constitutional protection beyond those rights explicitly delineated in the document or warranted by history. Finally, although as a literalist Black drew a distinction between speech (which receives absolute constitutional protection) and conduct (which he acknowledged is subject to regulation), he argued that conduct involving speech must be accorded protection in certain instances. This is the case if the regulation in question has an "indirect" effect on speech and the speech interest involved is determined to be more important than the interest advanced by the state, or if other means are available to accomplish the state's goal without burdening speech.[79] Such balancing obviously requires the use of discretion, and for most of his tenure Black was not averse to employing judicial judgment to protect conduct involving speech.[80] Though he refused in numerous instances during the 1960s to extend constitutional protection to demonstrative conduct, these decisions supporting the status quo were the result of the same balancing technique and thus were not the product of a fear of judicial judgment.[81]

Though Black oftentimes employed discretion for purposes of reform, it was not anomalous that in Fourth and Eighth Amendment cases (among others) he was willing to follow the conservative implications of his jurisprudence. He tolerated certain rulings supporting the status quo as the necessary price for securing other results that made his jurisprudence fundamentally anti-hierarchical. The anti-hierarchical thrust of Black's jurisprudence is even acknowledged by those who maintain that he was not a result-oriented jurist, for it is generally conceded that his judicial philosophy "produced the [supposed] anomaly of vastly increasing the impact of the Court in modern American life."[82] Black's decisions supporting the status quo should also be viewed in some measure as an attempt to demonstrate a respect for democratic values or to acknowledge the illegitimacy of judicial decision making that is entirely result oriented. In other words, anchoring his decisions in the literal language and the history of the Constitution enabled Black to reconcile his belief that the Court should serve as a political and social corrective with a strong tradition of bounded judicial decision making. In spite of the fact that his judicial philosophy was largely anti-hierarchical and that he acknowledged the importance of the rule of law in judicial

[79] Black, *A Constitutional Faith*, 60–61.

[80] See *Milk Wagon Drivers v. Meadowmoor*, 312 U.S. 287, 299 (1941); *Martin v. Struthers*, 319 U.S. 141 (1943); *Kovacs v. Cooper*, 336 U.S. 77, 98 (1949); *Feiner v. New York*, 340 U.S. 315, 321 (1951); *Barenblatt v. United States*, 360 U.S. 109, 141–42 (1959); *Konigsberg v. State Bar*, 366 U.S. 36, 68–70 (1961).

[81] See Black's holdings in *Bell v. Maryland*, 378 U.S. 226 (1964); *Cox II v. Louisiana*, 379 U.S. 559 (1965); *Brown v. Louisiana*, 383 U.S. 131 (1966); *Adderly v. Florida*, 385 U.S. 39 (1966); *Amalgamated Food Employees Union v. Logan Plaza, Inc.*, 391 U.S. 308 (1968); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969).

[82] Silverstein, *Constitutional Faiths*, 130.

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decision making, Black's strong belief in the need for the judicial promotion of social change frequently led him to disregard the conservative implications of his jurisprudence.

Conclusion

The purpose of this article was not to challenge the validity of the concept of judicial role orientation, which rectifies simplistic models of judicial behavior.[83] Justices Frankfurter and Black revealed that there may be intervening variables between a judge's personal values and the decision reached in a particular case.[84] But this analysis of Justice Black's thought suggests that scholars must be careful not to see judicial asceticism where it does not in fact exist. The best defense against this type of error and the surest way to appreciate fully the thought of any justice is to attempt to understand the world in his or her terms—to grasp the justice's personal social theory. In so doing, one must be careful not to overlook values or considerations, conscious or implicit, which suggest heightened or reduced judicial involvement. The failure to realize that the notion of social interdependence was a powerful element in Frankfurter's thought led to the erroneous conclusion that his faith in trained governmental experts extended to what he actually regarded as a defective institution, namely, the judiciary. The failure to see that Black's conception of reality implied only the need for a political and social corrective led to the mistaken notion that he distrusted all exercises of judicial judgment.

This revision of previous studies of the judicial philosophies of Black and Frankfurter has done nothing to discredit the accepted view that the justices are paramount figures in the American judicial tradition. These men were great jurists because they articulated in unequaled fashion those values most important in the constitutional order of the United States. Frankfurter's writings and decisions emphasized the importance of effective democratic governance and the danger presented to this value by an institution that is comparatively insulated from the complexities of an organic society. Black stressed the notion of fundamental rights or limitations on government and the support afforded this value by an institution that is designed to compensate for the shortcomings of a political process that is less pluralistic than Frankfurter suggested. To be sure, neither justice disregarded completely the value emphasized by the other; had they done so, no colleague or serious constitutional thinker would have respected their positions. But the source of the clarity and force of their arguments—an inordi-

[83] See James L. Gibson, "Judges' Role Orientations, Attitudes, and Decisions: An Interactive Model," *The American Political Science Review* 72 (September 1978); James L. Gibson, "The Role Concept in Judicial Research," *Law and Policy Quarterly* 3 (July 1981).

[84] See *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 466–72 (1947); *Minersville School District v. Gobitis*, 310 U.S. 586, 591–600 (1940); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 646–71 (1943). Also see fn. 73 above.

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nate emphasis upon one constitutional value derived from a perception of social reality that is not generalizable—was responsible for the unacceptability of their judicial philosophies. The failure of Black and Frankfurter to convince their brethren and constitutional thinkers to embrace their models of appropriate judicial behavior leads to the vexing possibility that the only judicial philosophy consistent with our political tradition is one informed by seemingly irreconcilable insights—that the judiciary is at once the branch of government most qualified to correct the inadequacies of the political process and least able to make needed adjustments between competing interests in a mature, urban-industrial society.*

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Political Implications of Illegal Arms Exports from the United States

EDWARD J. LAURANCE

The study of international arms trade has come in bursts. In the 1930s the proliferation of studies coincided with the international attention given the "merchants of death" and their alleged responsibility for World War I. As the League of Nations and eventually most arms producing nations debated the negative consequences of the private trade in arms, a great deal of light was shed on the patterns, purposes, and effects of this trade.[1] In the 1970s, as the rise in oil prices and the end of the colonial era led to major changes in the arms trade, academicians, journalists, and policy analysts responded with an outpouring of studies and analyses of governmental arms trade.[2] By the mid-1980s, attention was once again drawn to the international trade in arms, but this time to those transactions termed illicit or illegal. Headlines in the United States regularly disclosed indictments for the illegal export of significant military equipment from the United States to the USSR, Eastern bloc countries, Iran, South Africa, the Irish Republican Army, or some other country on the prohibited list. Congres-

[1] For an excellent treatment of this period and a review of the literature, see Robert Harkavy, *The Arms Trade and Internationial Systems* (Cambridge, MA: Ballinger Publishing Company, 1975).

[2] Stockholm International Peace Research Institute, *The Arms Trade with the Third World* (Stockholm: Almqvist & Wiksell, 1971); John Stanley and Maurice Pearton, *The International Trade in Arms* (New York: Praeger Publishers, 1972); George Thayer, *The War Business* (New York: Simon and Schuster, 1969); Amelia C. Leiss et al., *Arms Transfers to Less Developed Countries* (Cambridge, MA: Center for International Studies, M.I.T., February 1970).

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sional hearings on the secret arming of the contras and Iran brought to the forefront methods of private arms dealers. A leading international journal for defense industries ran editorials on the rise of illicit arms trading and its consequences.[3]

This article will analyze arms exports which are illegal in the sense that if the facts were known at the time of the transaction, they would violate U.S. arms export laws or the laws of the recipient country. These exports are private, meaning nongovernmental and hidden from the rather extensive bureaucratic process designed to control arms exports. In addition, they involve technology and weapons suited mainly for conventional warfare as opposed to the strategic systems that have been the focus of the effort to control the flow of technology from West to East. Government-sanctioned covert arms transfers used in the furtherance of U.S. foreign policy, such as those uncovered in the Iran-contra hearings, may be illegal in the sense that larger constitutional issues may be involved in covert government actions, and illegal acts may have been committed by government officials. However, this type of transfer can be considered controlled in the sense that personnel acting in the name of the U.S. government initiated and controlled the transfers. I do not discuss this here.

Although this article focuses on the 1980s, this definition must be kept in mind when extending the analysis into the 1990s and Iraq's acquisition of an arsenal that allowed it to invade Kuwait and hold the major powers at bay prior to being defeated in the 1991 Gulf War. While it is tempting to view Iraq's acquisitions negatively, a view shared by almost all states, they were not necessarily illegal. One of the most comprehensive treatments of Iraq's arms imports is Kenneth R. Timmerman's *The Death Lobby*. Despite demonstrating the presence of some illegal arms trade, Timmerman concludes that "the vast majority of the machine tools, computers, and test equipment [Saddam Hussein] needed to build ballistic missiles, bombs, bullets, and guns was provided totally legally by companies who applied for export licenses."[4] A similar situation prevails when examining the alarming attempts to export the vast amount of surplus defense equipment resulting from the breakup of the former Soviet Union. Plant managers and individuals from Russia have been spanning the globe trying to sell a wide variety of weapons systems without the knowledge of their government. While the condemnation of this unsavory and perhaps dangerous behavior of such individuals might be in order, it can only be illegal if laws and procedures exist. The disintegration of the Soviet Union saw all such laws and procedures disappear, and they have only recently begun to be reconstructed.[5]

[3] "De Facto De-Regulation of the Arms Trade," *International Defense Review* 19 (April 1986): 397; "Some Rules of the Road for the Arms Traffic," *International Defense Review* 20 (June 1987):701.

[4] Kenneth R. Timmerman, *The Death Lobby* (Boston: Houghton Mifflin, 1991): 397.

[5] Interviews with Russian export control officials.

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And yet this truly illegal component of the arms trade remains the subject of journalistic treatment but is rarely analyzed as an issue with political implications.[6] Critics of U.S. foreign policy, especially its arms trade, have consistently trumpeted the magnitude and importance of these illegal exports.[7] But others have dismissed the presence of recent indictments as apolitical acts of greedy criminals who have always been engaged in the enterprise. Why hasn't the illegal arms trade received the serious attention of scholars, public policy makers, and analysts? There are some plausible explanations. First, it has long been characterized as a minor part of the overall trade, particularly compared to legal government-to-government trade. The burst of arms trade scholarship in the 1970s treated the private element as a very minor side issue. "Evidence of the deliberate avoidance of government controls by private firms is very limited, particularly when the total volume of arms trade is borne in mind."[8] The private arms dealers themselves have fostered that perception in defending their activities. Sam Cummings of Interarms, said to control 90 percent of the legal private trade as of the 1970s, remarked: "In comparison with government, we're a joke. We are statistically the largest private trader. But 50,000 rifles won't buy a navigation assembly on an F-14 fighter. . . . We never had, in any year, a $100 million year."[9]

A second reason for lack of scholarship is the emphasis put on the political aspects of the international arms trade, as opposed to the military and economic. Private arms dealers make money; governments make policy. This idea seems to have reached its peak in 1982 with the publication of Andrew Pierre's *The Global Politics of Arms Sales*.[10] The very first paragraph states that "arms sales are foreign policy writ large," and it was quoted often in the next several years. This presumption means that the only cases worthy of attention are those involving major weapons systems, exported less for their military and economic impact and more for the purposes of securing friends and allies.

A third reason is the assumption that national governments control their arms exports, at least for those weapons with policy impacts. Defenders of this presumption favorably compare U.S. control procedures to other countries and other periods in history, especially the 1930s prior to the legislation bringing arms exports under government control. U.S. officials defend their controls as second

[6] Recent books include Patrick Brogan and Albert Zarca, *Deadly Business: Sam Cummings, Interarms and the Arms Trade* (New York: Norton, 1983); Russell Warren Howe, *Weapons: The International Game of Arms, Money and Diplomacy* (Garden City, NY: Doubleday, 1980), 371–450; Anthony Sampson, *The Arms Bazaar* (New York: Viking, 1977).

[7] Michael Klare has been virtually alone in describing and critiquing the illegal arms trade. For a typical assessment, see his "The Thriving Black Market for Weapons," *Bulletin of the Atomic Scientists* 43 (April 1988): 16–24.

[8] Stanley and Pearton, *International Trade in Arms*, 37.

[9] "Topic: Trading in Arms," *USA Today*, 16 December 1986.

[10] Andrew J. Pierre, *The Global Politics of Arms Sales* (Princeton, NJ: Princeton University Press, 1982).

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to none and proclaim that reports about illegal and uncontrolled arms transfers are exaggerated.[11]

Information and data problems are a fourth reason why research has been limited and why reports have been primarily journalistic in nature. Part of this problem is due to the small physical size of much of the equipment traded through private channels. Rifles, hand grenades, and electronic parts are easy to hide; tanks, missiles, and aircraft are not. In addition, research seems to be stuck on dollars as a measure for arms trade. There is an emphasis on quantitative and aggregate data analysis to the detriment of comparative case studies that would highlight the role that privately traded arms can have in specific instances.[12]

Nuclear issues have dominated strategic studies and national security affairs for most of the post-World War II era, despite the fact that all of the casualties inflicted in military conflict (ten to twenty-five million, depending on who is making the estimate) were caused by conventional arms. Most of these arms were manufactured using simple technologies and were of small physical dimensions.[13] These are the very weapons which can be traded in a hidden fashion, and historically have been used to prolong lower level conflicts, produce more damage, or escalate the conflict. All of this was exacerbated in the 1980s by the tendency for the private trade to include those items previously the domain of governments—missiles, aircraft, and critical spare parts. An in-depth examination of this trade is long overdue.

This article will provide a thorough analysis of illegal arms exports from the United States, using data generated by enforcement and criminal proceedings. What are the types and magnitude of illegal trade now being uncovered? Do the methods employed and type of participants indicate that this trade is simply another type of criminal activity or one fostered by control and policy problems worthy of analysis? What are the domestic and international factors that converged to make this trade more salient in the 1980s? Will these factors remain as the future unfolds? What are the political implications of this trade? As the cold war ended and the Iraqi invasion of Kuwait revealed the unpredictability and negative consequences of the arms trade, illegal arms exports from the United States continued. This phenomenon has its roots in both the domestic and international context of the 1980s described in the remainder of this article.

[11] See 20 February 1987 testimony of Lt. General Philip C. Gast, director of the Defense Security Assistance Agency, Hearings, *Federal Licensing Procedures for Arms Exports*, 100th Congress, 1st sess. (Washington, DC: U.S. Government Printing Office, 1987), 46: 48.

[12] For a recent treatment of these issues, see Edward J. Laurance and Joyce Mullen, "Assessing and Analyzing International Arms Trade Data" in David J. Louscher and Michael D. Salomone, eds., *Marketing Security Assistance* (Lexington, MA: Lexington Books, 1987), 79-98; and David J. Louscher and Michael D. Salamone, "The Imperative for a New Look at Arms Sales," ibid., 13-40.

[13] Charles M. Perry, "The Threat of Less Advanced Arms: The Arab-Israeli Case" in Uri Ra'anan et al., eds., *Arms Transfers to the Third World* (Boulder, CO: Westview, 1978), 281-308.

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The Hidden Arms Trade

Policy analysts who routinely evaluate regional military balances received a rude shock in 1986. The International Institute for Strategic Studies (IISS) publication, *Military Balance*, considered by those outside government intelligence agencies to be a most accurate source of information, contained the following entry for North Korea in the helicopters category: "80 Hughes -300, -500 (some 60 reported to be armed)."[14] Jane's *All the World's Aircraft* would have also told these analysts that North Korea, off limits to all US companies since 1950, had just received one of the most capable helicopters in the world.

No doubt intelligence analysts from several governments had also been surprised to begin receiving photographic and other types of intelligence confirming this most unusual transfer of military capability. Apparently U.S. customs investigators, recently bolstered with an influx of funds for investigating illegal arms exports, knew in 1983 that a Los Angeles helicopter trading company was dealing with a North Korean company.[15] A major US investigation commenced in 1985, when it was noticed that some of these helicopters officially destined for Japan were in fact being loaded on a North Korean freighter.[16]

Somehow, eighty-seven state of the art helicopters, civilian versions of the military Model 500D, found their way into North Korea. The military and political implications of this transfer quickly surfaced. South Korea was upset with all concerned, since they have over 200 of the military version of this helicopter and the potential for mischief on the part of their mortal enemy was significant.[17] The U.S. government was embarrassed that such a transfer could have occurred during a time when the Reagan administration was putting so much emphasis on stopping the flow of military technology to the Eastern bloc. The principals of the U.S. trading company involved were charged, indicted, and convicted of crimes stemming from this illicit transfer of military capability. There quickly developed a consensus that this case was "probably the largest illegal diversion of U.S.-manufactured aircraft" in history.[18]

One of the major developments in the international arms trade of the 1980s was the proliferation of medium range surface-to-surface missiles with conventional warheads.[19] The United States signaled its concern over this development by

[14] IISS, *The Military Balance 1986–1987* (London: IISS, 1986).

[15] "Helicopter Case Report," *Wall Street Journal*, 27 February 1985; Stuart Auerbach, "Copter Shipments Detailed," *Washington Post*, 27 February 1985.

[16] "Coast Exporters May Have Sent Helicopters to North Korea," *New York Times*, 3 February 1985.

[17] "Japan, FRG Informed of Anger Over Helicopters." *Yonhap* (Seoul), 8 February 1985, Foreign Broadcast Information Service [FBIS], *Daily Report: Asia and Pacific*, February 1985, E3–4.

[18] Stuart Auerbach, "Copter Shipments Detailed," *Washington Post*, 27 February 1985.

[19] Aaron Karp, "Ballistic Missiles in the Third World," *International Security* 9 (Winter 1984–85): 161–195; Aaron Karp, "The Frantic Third World Quest for Ballistic Missiles," *Bulletin of the Atomic Scientists* 43 (June 1988): 14–20; John H. Cushman Jr., "The Race to a More Elaborate Arms Race," *New York Times*, 3 July 1988.

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agreeing with the European allies in April 1987 to restrict the flow of these missiles and any technology and equipment that would foster their manufacture.[20] However, the United States was not immune from the pressure to acquire this capability illegally. On 24 June 1988 two Egyptian military officers and three Americans were charged with plotting to illegally export 432 pounds of carbon-carbon fiber matting on an Egyptian military transport leaving from Baltimore. This sensitive material is tightly controlled by the United States, as it is used in making warheads more accurate and less easily detected. U.S. officials claimed that Egypt planned to use the material in a joint program with Argentina to develop the Condor 3 surface-to-surface missile with Iraqi funds. "Administration officials said they were distressed by the charges, which come at a time of good relations between the United States and Egypt. . . . 'Anytime there is something like this, it causes a great deal of tension in the relationship. When a government with which you have an especially close diplomatic and military relationship tries to steal high-tech items, it is very troubling.'"[21]

Sources familiar with the case indicate that it was but a small segment of a much larger effort by Egypt to keep up with Israel and others in the latest round of the Middle Eastern arms race. Telephone intercepts indicate that the operation was run by an Egyptian colonel from Austria, supplying his agents in the United States with long shopping lists of materials and equipment needed to build or upgrade a tactical missile system. The case became more serious when Egypt's defense minister was implicated. At the urging of the State Department, all references to the minister and his office were purged from the 36-page investigative summary filed in the U.S. District Court. It was also discovered that this operation had plans to export thirty tons of tightly controlled U.S. rocket fuel compounds. In short, this was not a case of several enterprising criminals trying to make a fast buck.[22]

Both of these cases indicate that illegal arms exports can lead to significant changes in the military balance of critical regions and appear to be an important element in the newest threat to Middle Eastern stability—the proliferation of ballistic missile technology. These and other revelations of the illegal trade may have caught analysts of the international arms trade by surprise. The consensus view is that total arms exports from all nations declined from 1983 to the end of the decade. Yet in the opinion of one analyst, "black-market sales of $5 to $10 billion per year, coupled with a substantial trade in arms-making technology,

[20] White House press release, "Missile Technology Control Regime," 16 April 1987.

[21] Philip Shenon, "U.S. Accuse 2 Egyptian Colonels in Plot to Smuggle Missile Material," *New York Times*, 25 June 1988; Patrick E. Tyler, "High Link Seen in Cairo Spy Case." *Washington Post*, 20 August 1988.

[22] Patrick E. Tyler, "The Cairo Spy Case May Have Links to High Places," *Washington Post National Weekly Edition*, 29 August–4 September 1988, 17–18; Richard W. Stevenson, "Egyptian Aide Tied to Smuggling Plot," *New York Times*, 25 October 1988.

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TABLE 1

U.S. Customs Activity–Illegal Arms Exports

	FY82	*FY83*	*FY84*	*FY85*	*FY86*	*FY87*	*FY88*	*Total*
Number of Seizures	765	1,444	1,459	750*	802	1,044	723	6,987
Value of Seizures ($m)	55.6	86.3	85.6	74.8	51.6	75.9	81.5	511.3
Detentions	2,481	3,620	2,391	947*	1,062	1,228	815	12,544
Arrests	195	110	121	184	116	184	160	1,070
Indictments	171	63	178	425	158	176	159	1,330
Convictions	134	80	92	67	117	94	104	688

Source: U.S. Customs Service, January 1989.

* Reflects Customs Service's program to reduce unnecessary detentions and seizures.

could—if factored into the standard statistical tallies—eliminate much of the decline noted in military exports since 1983."[23] For some, this decline in trade, as measured by the government-sanctioned sales of measurable commodities, may show that arms trade control is becoming a reality. However, recent data on illegal arms trade in the United States, not to mention other countries, suggest a different conclusion. The international system of arms trading may be returning to its former merchants-of-death character, where the lack of governmental control resulted in private traders having a significant impact on conflicts and foreign policy.

Data on Trade

Prior to the Reagan administration, the enforcement of U.S. arms export laws was spotty at best.[24] It was a period marked by an expanding legitimate arms trade and a lack of perceived threat to national security from illicit arms trading. This began to change in 1981, when a significant amount of money was used to hire customs agents for Operation Exodus, a plan to check shipments of high technology items to the Eastern bloc. These agents began to intercept a significant amount of conventional arms destined for many countries other than the USSR and its allies. By January 1989 the Department of Justice list of Significant Export Control cases contained over 190 key indictments issued since 1981, ranging from the rather innocuous sale of small arms to Haiti to the illegal transfer of eighty-five Hughes helicopters through West Germany to North Korea. The Customs Service has recorded over 1,330 indictments and 688 convictions in the

[23] Michael T. Klare, "The State of the Trade: Global Arms Transfer Patterns in the 1980s," *Journal of International Affairs* 40 (Summer 1986): 14.

[24] United States General Accounting Office, *U.S. Munitions Export Controls Need Improvement*, Report Number ID-78-62 (Washington, DC: U.S. GPO, 1979).

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TABLE 2

U.S. Department of Justice Data on Significant Export Control Cases January 1981 to January 1989

	1981	*1982*	*1983*	*1984*	*1985*	*1986*	*1987*	*1988*	*Total*
Total Cases	8	12	21	36	40	23	27	26	193
Type of Case (% of cases)									
Small Arms	1	2	2	4	5	2	3	3	22 (11.4)
Embargo	1	1	1	1	4	0	1	1	10 (5.2)
Technology	5	4	10	22	10	6	9	4	70 (36.1)
Support	0	4	5	7	16	9	7	16	64 (33.2)
Major Weapons	1	1	3	2	5	6	7	2	27 (13.9)
End Users (% of cases)									
Iran	1	2	2	5	16	8	4	11	43 (22.2)
Eastern Bloc	4	1	4	10	7	2	5	3	34 (17.6)

Source: Export Control Enforcement Unit, Internal Security Section, Criminal Division, U.S. Department of Justice, Washington, DC, January 1989.

same period. Public disclosure of this amount of illegal arms trade is unprecedented in U.S. history.

These data indicate that a significant amount of illegal activity involving the export of military equipment occurred in the United States in the 1980s. Note that the total value of seized materiel, $511.3 million, includes only those commodities actually seized. The value of goods that would have been exported illegally without Operation Exodus in effect would have been significantly higher. Also, most customs officials feel that a much higher level of contraband is getting through, indicating that the actual levels may be truly significant even in dollar amounts.

While the Customs Service data indicate that a significant number of violations are occurring, they say little about the substance of these cases. Another source of data is the Justice Department, which periodically publishes data entitled "Significant Export Control Cases." This list is maintained to track all of the cases involving a violation of U.S. laws designed to control the export of materials critical to U.S. national security. (See Table 2.) From January 1981 through 23 January 1989, 193 cases reached at least the indictment stage. Justice selected those cases most critical to the national security of the United States, leaving out many convictions and indictments of a minor and routine nature, as well as numerous cases that resulted in administrative actions against companies and individuals.[25]

[25] Interview with Joe Tafe, U.S. Department of Justice, 16 June 1988. In compiling their data, Customs records convictions and indictments by individual, while Justice focuses on cases that most often involve several individuals.

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Lying somewhere between anecdotal and empirical evidence, these data are only the beginning of an effort to understand the inner workings of the illegal arms trade. But given the purpose of this inquiry, the Justice data can be treated as a representative sample of the universe of illegal arms export activity considered harmful to national security. They provide important insights into the dimensions of the illegal trade as it is known to this point. When the data are disaggregated, some basic trends appear. First, cases were categorized by the author as to the type of equipment involved—small arms, technology, commercial equipment destined for an embargoed country (embargo), support, and major weapons.

The first three categories—small arms, technology, and embargo—are not analyzed in this article. Small arms rarely have impacts on national security. Cases in the embargo category are violations that concern the end-user per se, not necessarily the national security effects of a particular piece of military hardware. Many of these cases invoked the Trading with the Enemy acts and represent nothing new from previous post-World War II eras. Technology cases involved high technology destined either for Eastern Bloc countries or other countries which might transfer the technology to the bloc. They represent a critical national security problem but not one dealt with here.[26]

Support Equipment and Critical Spare Parts

This category includes those cases involving support, spare parts, and other equipment designed to support conventional warfare. There are sixty-four of these cases or over 30 percent of all cases. Examples include inertial navigation systems and night vision devices to Libya; tank and aircraft parts, radar tubes, and fuses to Iran; and radars to Syria. Iran accounts for thirty-four or 53 percent of the cases; Chile is next highest with seven cases.

Some of these cases are similar to those listed as embargo cases, in that the conflict levels in the region of the recipient are low and the main issue is the illegality per se. Sonars to Chile, radars to Portugal, Starlight scopes to Belgium, and unlicensed export of pilot training programs to Yugoslavia and Kuwait are examples. But most of the cases in this category involve either end-users engaged in conventional conflicts with actual or potential U.S. involvement (Iran, Libya, Nicaragua) or those end-users whose military capabilities figure prominently in U.S. national security assessments (Peoples Republic of China [PRC], South Africa, North Korea).

Much of the illicit trade in spare parts centered on Iran, since the ultimate success of Iran's war with Iraq and eventually the United States was largely dependent upon the country's ability to acquire spare parts for its arsenal of

[26] The literature on these issues is extensive. For a brief but clear treatment, see Warren Richey's three-part series in the *Christian Science Monitor* entitled "Controlling US High-Tech Exports," 16–18 May 1984. For an example of empirical data on the success of these efforts, see Paul Mann, "U.S. Tallies Cost to Soviets of Technology Transfer Rules," *Aviation Week and Space Technology*, 10 December 1984, 67.

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U.S.-supplied weapon systems. For example, a helicopter support technician who spent two years in Iran confirmed that Iran "had a large and very well-balanced stock of spares when we left, so with a selective number of critical shortage items they probably could put a fair percentage of their fleet back in the air." This demand means high prices for just a few key spares and combined with a burgeoning industry in bogus helicopter parts, created significant illicit trade. Jeffrey Modisett, deputy chief of the Government Frauds Division in Los Angeles, stated: "At first glance, a few radar tubes may seem insignificant, but we later saw where those radar tubes helped Iran reopen the Kharg Island oil shipping terminal. Who cares if you pay three times the original price for a part if it can put millions of dollars worth of oil shipping back in order?"[27]

A celebrated case was a sixty-one count indictment involving ten people who stole and exported over $10 million worth of F-14 and other aircraft parts to Iran. In March 1983 federal authorities received an anonymous letter describing the theft and illegal export ring in detail. An Iranian businessman, Said Inanlou, operating out of London, worked with a U.S. businessman and associates in San Diego, who recruited navy personnel to steal the parts that were then shipped to Iran through Inanlou. No shipments were intercepted until December 1984, at which time customs agents began opening packages, slightly damaging the contents, and repackaging them. In July 1985 Inanlou was arrested by the British and the entire case was made public.[28] Parts stolen and shipped as medical and automobile supplies included parametric amplifiers used in guidance systems for the Phoenix missile, parts to secret tactical air reconnaissance equipment, and F-14 torque actuator rings and van turbine nozzles.[29] As the government put it in making its case, "in one 12-month period alone, there were 328 instances when F-14 missions had to be scrubbed for lack of the computers, navigational equipment and other parts stolen by the San Diego-based ring."[30]

In other cases involving Iran, Benjamin Kashefi was indicted in August 1984 for illegally shipping over $12 million worth of spare parts for the M-60 tank, armored personnel carriers, and the M-109 howitzer. Most of the parts made it to Iran, except for $775,000 worth of voltage regulators for the M-60 which were seized. Between 1981 and 1983, Kashefi accepted orders from the Iranian firm Mimax for $12 million worth of parts, earning a profit of roughly $4 million.[31] Kashefi is still a fugitive. In July 1986 two former Iranian nationals pleaded guilty to conspiring to illegally export $4 million in military radios and spare parts to

[27] James Kirfield, "What Iran Needs," *Military Logistics* 3 (January/February 1987): 11-14.

[28] Michael T. Klare, "Secret Operatives, Clandestine Trades: The Thriving Black Market for Weapons," *Bulletin of the Atomic Scientists* 43 (April 1988): 16-24; Glenn F. Bunting and H. G. Reza, "Agents Tipped to Thefts of Parts for Iran 2 Years Ago," *Los Angeles Times*, 21 August 1985.

[29] William H. Inman, UPI, "Insiders Fulfilled Wish for Weaponry," *Memphis Commercial Appeal*, 20 October 1986.

[30] Jim Schacter, "Admitted Arms Theft Figure Seeks Plea Switch," *Los Angeles Times*, 26 November 1986.

[31] Daniel M. Weintraub, "Immigrant Charged in Sale of Military Parts," *Los Angeles Times*, 23 August 1984.

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Iran. They were able to make twelve partial shipments so that fifty complete radios arrived in Iran.[32] In December 1985, three men were arrested and eventually convicted of conspiracy to ship $10–15 million in sophisticated military parts to Iran, including 11 Twyston tubes worth $48,000 each. These tubes are a critical element of the AN-TPS-43E Tactical Radar Defense System used by Iran.[33]

In January of 1988, two Iranians were arrested after attempting to bribe a Raytheon employee to obtain an end-user certificate for Hawk missile parts and associated radar equipment. The specific deal that resulted in their arrest involved two VA-868A Klystron microwave amplifier tubes used in the Hawk missile's illuminator and two VA-145E Twystron tubes used in the radar. The Iranians at one point told customs officials posing as Raytheon employees that they had over $60 million to spend on a very long wish list of equipment.[34]

Spare parts and support equipment were involved in cases relating to hot spots other than Iran. The unlawful export of over sixty shipments of $14 million worth of C-130 transport aircraft and Chinook CH-47 helicopter parts to Libya in 1982 resulted in a five-year prison sentence and fines of more than $4 million.[35] During the Falklands/Malvinas war in 1982, two men from New York succeeded in illegally shipping $8 million worth of night-vision goggles to Argentina, making a profit of over $1 million. The defendants lied to both the Litton Industries and Numax Electronics Inc., makers of the goggles. A customs official commented that "until Argentina got these devices, it was fighting blindfolded in the Falklands War."[36] In July 1986, an Egyptian living in New Jersey pleaded guilty of conspiring to export weapons, including 150 pounds of explosives, to Israel's West Bank in a deal that allegedly involved the Palestine Liberation Organization (PLO).[37] And in May 1987, three men received lengthy prison sentences for conspiring to export to Saudi Arabia and Iraq a stolen U.S. air force design package for the manufacture of an advanced cluster munitions system.[38]

Major Weapons Systems

While the illegal export of support equipment and spare parts was significant, the cases involving the export of major weapons systems drew the most attention

[32] Adam Gorfain, "Iranian Pleads Guilty to Smuggling Military Radios to His Homeland," *Los Angeles Times*, 25 July 1986

[33] Jason Jett, "3 Charged in Military Smuggling," *Newark Star-Ledger*, 3 December 1985.

[34] David Hughes, "U.S. Uncovers Extensive Efforts to Procure Weapons for Iran," *Aviation Week and Space Technology*, 1 February 1988, 86–87.

[35] Associated Press, "Libyan Colonel, Chicago Firm Indicted for Shipping Aircraft Parts," 22 July 1982; Charles R. Babcock, "Competition Motive Is Seen Behind Edwin Wilson's Cooperation," *Washington Post*, 23 July 1982.

[36] Loretta Tofani, "4 Indicted on Arms-Export Charges," *Washington Post*, 11 April 1985.

[37] Jane M. Von Bergen, "N.J. Man Guilty in Weapons Conspiracy," *Philadelphia Inquirer*, 19 July 1986.

[38] "Grand Jury Accuses 3 in Plot in Bomb Data," *New York Times*, 1 March 1987.

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in regard to national security implications. Twenty-seven cases (13.9 percent of the total) fall into this category in the Justice Department data on significant cases. These cases involved thirteen countries as intended or actual end-users, with Iran again being the leader with ten cases. Nicaragua, South Africa, and Libya were each involved in three cases, while Syria and the IRA were the customers in two cases each. The weapons systems involved included helicopters, Harpoon missiles, transport aircraft, TOW missiles, radars, anti-aircraft missiles, F-4 and F-5 fighter aircraft, and main battle tanks.

The previously described case in which eighty-five Hughes 500D and E model civilian helicopters were illegally exported to North Korea is the most significant. But there have been several other cases involving Iran, which because of Iran-contra have been fraught with confusion as to how "private" and "illegal" they were, at least in terms of the definitions used in this article. In August 1985, six people, including an Iranian and a U.S. Army lt. colonel were arrested in an alleged plot to smuggle over 1000 TOW missiles worth more than $75 million to Iran. The case started when U.S. agents were approached in March 1984 with a long list of weapons being sought by Iran, including ten engines for F-4 fighter aircraft, fifty diesel engines, and various missiles including over 5000 TOW anti-tank missiles.[39] The charges against the U.S. officer that he was paid to certify that the missiles were in good working order were dropped when a judge ruled that the officer was led to believe that the deal was a legitimate government transaction.[40] However, two people were eventually convicted of conspiring to ship 1140 TOW missiles to Iran.

In April 1986, thirteen smugglers and shipping agents from the United States, Israel, West Germany, France, Great Britain, and Greece were charged with conspiracy to sell over $2 billion worth of weapons to Iran. The indictment said the weapons included eighteen F-4 and eighteen F-5 fighters, forty-six A-4 Skyhawk fighter bombers, five C-130E transport aircraft, and 18,750 TOW anti-tank missiles, 100,000 artillery shells, and thousands of spare parts, engines, and other arms, none of which ever reached Iran.[41] The case developed when a previously convicted Iranian sought leniency by cooperating with U.S. authorities, resulting in the largest sting operation ever set up by the Customs Service.[42] Customs Service Commissioner William Von Raab was particularly outspoken and pleased. "The Iranians would have used these weapons to war against their neighbors or to spread international terrorism against the free West. . . . You've heard of the merchants of death? These people were the brokers of death. They would have operated a fleamarket of death."[43] Despite these public exhortations,

[39] Jeff Gerth, "6 Accused By FBI in Iran Arms Plot," *New York Times*, 2 August 1985.

[40] "Case Against Colonel Dropped," *New York Times*, 29 November 1985.

[41] Douglas Frantz, "Israel Linked to Arms Deal," *Chicago Tribune*, 5 August 1986.

[42] Mary Thornton, "5 Appear in New York Court on Arms-Ring Charges," *Washington Post*, 30 May 1986.

[43] John J. Goldman and Tony Robinson, "17 Seized in Plot to Sell Iranians U.S. Weapons," *Los Angeles Times*, 23 April 1987.

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this case was eventually dismissed in the wake of the Iran-contra hearings. At least one of the defendants claimed that he was working with the knowledge of the U.S. government, a claim that has now been upheld.[44] Interviews with customs officials reveal that this has become standard practice for defendants, and indictments must now reflect certainty that the U.S. government had no role in the transfer.

Although it is difficult to ascertain from the Justice data exactly how much of the equipment in this category has actually been delivered, it appears that almost all of the equipment was intercepted prior to any shipments. The eighty-five Hughes 500 helicopters to North Korea, two L-100-30 transport aircraft (civilian versions of the C-130) to Libya in 1986, and one C-46 transport aircraft to Nicaragua were the only items actually exported. This is understandable given that support equipment and spare parts are more easily concealed. However, the interdiction rate did not result in any diminution of effort on the part of those determined to illegally export arms. As late as June 1988, Colin Breeze was indicted and eventually given a seven year prison sentence in November for conspiring to reexport ten used Sikorsky S-76 helicopters from Jordan to Iran. The prosecutor in the case stated that tapes heard by the jury showed this defendant knew that Iran was "a country which was in conflict with the United States in the Persian Gulf; that [the helicopters] could be adapted for military purposes and used in aggression against the United States."[45] If there are any national security implications resulting from these major weapons cases, they will necessarily be revealed through the networks, methods, and personnel involved rather than the negative effects of actual deliveries.

In summary, many of the celebrated cases were those involving major equipment such as missiles and aircraft. Journalists and critics of the trade have tended to focus on these cases. But it was the smaller, more critical items such as tubes for missiles and radars which had a better chance of being exported and in fact shaped the effort by the United States to reduce the negative effects of arms exports. This illegal trade continued unabated, even after the cease fire in the Iran-Iraq war. In January 1989, three men were indicted for conspiracy and attempt to export a large quantity of F-14 parts to Iran in 1988.[46] In February 1989, a California man was charged with illegally shipping to Iran parts for the Sidewinder and Hawk missiles, target illuminators for Sparrow missiles, and fire extinguishers used on F-14 fighter planes.[47]

[44] Stuart Diamond, "U.S. Now Reassessing Iran Arms-Smuggling Trial," *New York Times*, 2 December 1986; Stuart Diamond, "Arms Smuggling Case Stalls Amid Problems," *New York Times*, 17 July 1988; Arnold H. Lubasch, "U.S. Drops Charges Against 11 in Iran Arms Case," *New York Times*, 5 January 1989; William C. Rempel, "12 Freed of Charges in 'Brokers of Death' Case," *Los Angeles Times*, 5 January 1989.

[45] "Stiff Sentence Imposed In Planned Sale to Iran," *New York Times*, 2 November 1988.

[46] *List of Significant Export Control Cases* (Washington, DC: U.S. Department of Justice).

[47] "Bay Area Man Illegally Shipped Missile Parts to Iran, U.S. Says," *Los Angeles Times*, 4 February 1989.

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Participants in the Trade

A thorough analysis of the participants in this trade—their backgrounds, motives, methods, etc.—can only be accomplished with an in-depth look at the documents produced by the court cases and interviews. But a look at the Justice Department data does allow some generalizations. First, most of the participants were not household names known to the public prior to their convictions. Exceptions include former CIA operative Edwin P. Wilson, convicted in 1982 and 1983 of furnishing arms and military equipment to Libya.[48] Another name on the list is Sarkis Soghanalian, one of the most well-known international arms dealers. He is often the subject of media specials on the arms trade, and his name surfaced as the Iran-contra revelations focused attention on the private arms trade.[49] He has been indicted for conspiracy and ten substantive export and false statement counts relating to a scheme to ship helicopters and other munitions list items to Iraq in 1983 and 1985."[50] As a final note on the people involved, the connection of this trade with conflicts and demand outside the United States is revealed by the fact that in many cases the nationalities of those involved reflect the involvement of the intended recipient country.

The data also reveal that rarely are mainstream U.S. defense industries involved, except as the source of equipment that is illicitly obtained. Many of the cases involve employees and former employees of major defense firms who use their position to illegally acquire the commodities to be exported.[51] Because of this phenomenon, industry as a whole has had to take special steps to prevent such occurrences. Many of the cases investigated for this research point to desperate businesses and their personnel feeling the pressure to operate on the fringes of the legal arms trade. A former U.S. attorney who worked with industry to stop the illegal flow of technology overseas put it this way: "The situation is worse today. . . . While there is now more awareness of the problem, there has been a severe slump in the high-tech industries. Thus there are employees who are short of funds, anxiety-ridden and therefore vulnerable. Also, companies are under tremendous profit strains. They might be willing to sell products to a company that they would be wary of under normal conditions.[52]

The indicted companies involved in these illegal transactions are small and in many cases simply fronts for the illegal activity. Accounts of those cases made

[48] Wilson's episodes are the subject of Joseph C. Goulden, *The Death Merchant* (New York: Simon and Schuster, 1984).

[49] "The Murky World of Weapons Dealers," *Time*, 19 January 1987, 26; Ann Reilly Dowd, "How U.S. Arms Dealers Are Making a Killing," *Fortune*, 16 February 1987, 58–68.

[50] *List of Significant Export Control Cases.*

[51] In the June 1988 case involving the attempt to illegally export material to make missile warheads to Egypt, two of those arrested included a marketing representative of Teledyne McCormick-Selph and a rocket specialist with Aerojet Solid Propulsion Company. See White House press release, "Missile Technology Control Regime."

[52] Donald C. Bauder, "High-Tech Firms Looted of Secrets," *San Diego Union*, 9 July 1986.

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public indicate that the larger defense industries can be quick to spot suspicious activity and cooperate with U.S. investigative agencies.[53] In a case where an attempt was made to get the krytons (an electrical switch essential for the making of a nuclear weapon) to Pakistan, cooperation from the United States manufacturer was total and critical in obtaining the indictment. Litton Industries cooperated in thwarting an attempt to export some of their night vision goggles to the USSR and to Argentina during the Falklands war.[54] In the L-100 aircraft to Libya case, a Lockheed contracts officer wore a concealed microphone while negotiating with the middlemen who were eventually indicted.[55] In sum, what the cases indicate is that competition in the 1980s was significant and did little to decrease the likelihood of illegal arms exports. The end of the war and subsequent decline in defense industrial production has significantly increased competition and pressure for illegal exports.

Methods Employed in the Illegal Arms Trade

The North Korean Helicopter Case

In 1983 international helicopter sales were in a decline and U.S. firms were in tough competition to maintain their share of the market. The American firm Hughes Helicopters, Inc. was engaged in the export of both military and civilian versions of the Model 500 helicopter. Hughes had been employing the standard technique of using trading companies with great success, such as the U.S. firm Associated Industries in California and the West German firm Delta-Avia Fluggerate. If the equipment being exported is military, the State and Defense Departments must approve the sale. If not, the Commerce Department has the bureaucratic responsibility of approval. Also important is the destination of the equipment. In this case, the helicopters were the Model 500-C, classified as civilian. Hughes sold the aircraft to the U.S. trading companies based on documentation that the destinations included Nigeria, Japan, and several West European countries. North Korea has been declared an enemy since 1950 and exports to North Korea are by definition a violation of U.S. Trading With the Enemy statutes.

The first two of these helicopters were shipped to Japan in March of 1983 by the Associated Industries trading company and secretly loaded onto a North Korean freighter. U.S. Customs discovered that the bill of lading and the shipper's export declaration listed Mangyong Trading Corporation of North Korea as the recipient. The remaining eighty-five helicopters found their way to North Korea

[53] For a recent example, see David Hughes, "U.S. Uncovers Extensive Efforts to Procure Weapons for Iran," *Aviation Week and Space Technology*, 1 February 1988, 86–87.

[54] Loretta Tofani, "4 Indicted on Arms-Export Charges," *Washington Post*, 11 April 1985.

[55] Tracy Thompson, "Libyan Case Lawyers Agree: Motive Was Greed," *Atlanta Constitution*, 28 May 1987; Tracy Thompson, "Defense: Lockheed Knew Sale Possibly Illegal," *Atlanta Journal*, 20 May 1987.

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via Europe using Delta-Avia Fluggerate. According to the indictment, this German firm was set up by owner Kurt Behrens in 1981 and secretly controlled by the the owners of Associated Industries, Ronald and Barry Semler. Behrens "was probably the single-largest Hughes dealer in Western Europe even before his involvement with Delta-Avia."[56] The Semler brothers forged documents that led Hughes to believe that the helicopters were headed for Nigeria and other European countries. The documents further indicated that the crates contained not helicopters but "machinery and spare parts."

The last of these remaining shipments, fifteen helicopters, went from Long Beach in November 1984 to Antwerp, where they were unloaded and trucked seventy-five miles to Rotterdam and loaded onto the Soviet merchant ship *Prorokov*. This ship was scheduled to go to Hong Kong but instead delivered the helicopters to North Korea.

This case illustrates all of the components required for the illegal diversion of military equipment from the United States. The major manufacturers, Hughes in this case, did not deal directly with the recipient but employed a trading company. Associated Industries was legitimate, had eighty employees, and legitimate customers in many countries. In fact, even after this indictment the State Department approved 124 licenses for Associated Industries to export arms. While Hughes was embarrassed by this sale,[57] there was never any indication of wrongdoing on its part. Further, this type of illegal export requires cooperation from some trading firm outside the United States. Delta-Avia Fluggerate performed this role. The West German government has cleared Behrens and his company of any wrong-doing, since there are no West German laws prohibiting the sale of civilian helicopters to North Korea.

This description provides some insights into how the various companies, individuals, and governments practice illegal trade. Investigation of the other Justice Department cases, media coverage (not a significant source until mid-1985), the actual court cases, and interviews with government and industry officials suggests the following typology of methods.

Acquisition of Equipment

Most of the methods have long been employed by those seeking to circumvent U.S. arms export laws.[58] But several of these methods took on added importance because of the environment of the 1980s, one being the theft of military equipment from U.S. facilities. In July 1985 in San Diego, five men were arrested on charges

[56] Nick Welsh, "Trading with the Enemy," *The Independent* (Santa Barbara), 4 February 1987.

[57] Roy J. Harris and Eduardo Lachica, "Hughes Helicopters Is Put on Defensive Over Shipments Diverted to North Korea," *Wall Street Journal*, 7 February 1985.

[58] For a recent summary of these methods, see Michael T. Klare, "Secret Operatives, Clandestine Trades: The Thriving Black Market for Weapons," *Bulletin of the Atomic Scientists* 43 (April 1988): 16–24.

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TABLE 3

A Typology of Methods Employed in the Illegal Arms Trade

Acquisition of Equipment to Be Illegally Exported
1. Theft
   a) Outright
   b) Manipulation of U.S. military supply system
2. Manufacture in U.S.
   a) Legal
   b) Illegal
3. Legal domestic purchase by U.S. company
   a) Manufacturing firm
   b) Exporting firm
4. Association with U.S. government
   a) Government contract
   b) Clearance held by employee
   c) Current or former member of U.S. military
5. Surplus U.S. equipment

Fraudulent Licensing Procedures
1. No license obtained
2. Forgery
3. Declaring item low technology when it is high
4. Declaring item for commercial use when it is military
5. Fraudulent end-user certificate

Export Scheme
1. Use third country as conduit
2. Illegal redirection of shipment enroute
3. Sell to foreign mission within U.S.
4. Concealment of shipment
   a) Private ships and aircraft
   b) Carry-on luggage

of stealing F-14 spare parts from U.S. Navy stocks and smuggling them to Iran. This was the first major case of foreign agents penetrating the U.S. supply system. An active duty navy supply person had not only stolen the appropriate parts, but had specifically ordered them for this purpose. To add to the alarming nature of the case, the supply person was on a ship on which the F-14 was not deployed.[59] This set in motion a revealing court case and investigations to determine the extent to which this was happening throughout the United States. In 1986 the Senate held hearings on the results of these investigations by the Government Accounting Office (GAO) and the individual services. The results were sobering. Shawn F. Helmer, a former army sergeant arrested one year after the F-14 parts

[59] Gaylord Shaw, "Navy Thefts Spark Fear for National Security," *Los Angeles Times*, 17 July 1985; Glenn F. Bunting and H. G. Reza, "Agents Tipped to Thefts of Parts for Iran 2 Years Ago," *Los Angeles Times*, 21 August 1985; Ralph Frammolino, "Theft of Navy Parts: Tale with a Disturbing Moral," *Los Angeles Times*, 2 September 1985; Ralph Frammolino, "Brothers Plead Guilty in Smuggling of Stolen Jet Parts," *Los Angeles Times*, 11 July 1986.

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conspiracy, testified that he had been trying to sell the following weapons to undercover agents posing as arms buyers, all of which had been stolen and undetected three years prior: five LAW anti-tank rockets, fifty-nine fragmentation grenades (Army cost = $8.61, black market price = $50), 110 pounds of C-4 plastic explosives, 3,000 feet of detonating cord, and sixty Claymore antipersonnel mines.[60]

The military supply system has had inherent problems for many years. Its sheer size means that some things are going to be lost and stolen. Further, commanders of units who needed the supplies and spare parts had developed an informal system based on barter and other nonstandard techniques, which kept their units operating. But the items that were the object of theft and attention by security officers were classified (these items were the object of Soviet espionage and were well protected) and pilferable items such as sunglasses, blankets, jackets, food, knives, tools, etc. Once stolen they were either used at home or easily marketed on the local economy. But the F-14 parts case was a shock. A senior Pentagon supply official put it this way: "We've got a situation that we've never had before, in that things like F-14 parts, Phoenix missile parts had no real appeal for criminals up until the last few years—because what would you do with it if you stole it? . . . The temptation is overwhelming for people who are ship's storekeepers, warehousemen, who obviously are not in high-income brackets."[61]

Seemingly unrelated to any issue of arms exports is military readiness. One of the major ways of increasing readiness is to spend more money on spare parts and supplies so that units can devote more time to maneuvering and deploying. It was one of the highest priorities of the Reagan administration and significantly increased the inventory of the military supply system. Investigations revealed what everyone inside the system knew: a combination of outdated computers, huge inventory adjustments, and overworked personnel made it a lot easier for successful criminal activity by insiders. Add to this the Iranian network armed with lengthy lists of parts by federal stock number, and the potential for penetration increased significantly.[62]

Another method of acquisition that received attention was the purchase of surplus equipment for sale overseas. This type of transaction dominated the post-World War II system, since so much surplus equipment remained after the war. The newly independent Third World countries had no need for the advanced equipment. This method of acquisition produced its share of scandals involving

[60] Warren Richey, "Stolen US Arms Fuel Black Market," *Christian Science Monitor*, 14 November 1986.

[61] Gaylord Shaw and Glenn Bunting, "Military Supply System: A Security Risk?" *Los Angeles Times*, 1 September 1985.

[62] For further coverage of this issue see Joel Brinkley, "Trafficking Rises in Stolen U.S. Arms," *New York Times*, 29 September 1985; William Osborne, "Air Bases Found Vulnerable to Theft: Secret Report Says Arms, Data Could Be Lost to Hostile Nations," *San Diego Union*, 18 July 1986; John H. Cushman Jr., "Senators Hear of Army's Problems with Munitions Thefts," *New York Times*, 24 July 1986.

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private arms dealers.[63] However, as the world's militaries became more modern, surplus equipment was not only in less demand, but the supply was running out. In the 1980s the sale of used equipment once again became a factor in the international arms trade system,[64] and the abuses returned. Outdated equipment was sold to private disposal yards, which were required to dismantle it according to set procedures. "When Congress last looked at the problem more than a decade ago, it found 70 percent of the half-million transactions processed through Europe's disposal system were improperly done. Since then, experts say, the situation has not changed. . . . 'It's amazing what washes through disposal, despite the many attempts to screen the system,' a Pentagon inventory control expert recently stated."[65] In 1986 customs officials in California seized hundreds of F-4 fighter aircraft attachments used to connect fuel tanks, bombs, and rockets to a plane's wing (F-4s are in the Iranian inventory). They had been bought at a surplus sale at McClellan Air Force Base. During the Falklands war, military surplus dealers reported that Argentina was trying to buy fuel tanks for its A-4 aircraft. The price had risen from a pre-war $300 to $10,000 during the war.[66] The Customs Service has picked up on this development and now has an Operation RETREAD, "targeted against diversions of Department of Defense surplus arms and sensitive equipment to our adversaries."[67]

Fraudulent License Procedures

One of the more prevalent methods of illegal export is the use of fraudulent end-user certificates. Before any item on the controlled lists generated by the State Department (ITAR—International Traffic in Arms Regulations) or Commerce Department can be exported, the key factor in approval is the destination. Since all of the participants in this trade are aware of the prohibited countries, the object is to get a country on the approved list to certify that the equipment is for them, not another country. This has created a cottage industry in the trading of either forged documents (blank forms are obtained and entries forged) or authentic end-user certificates signed by an official of the country. These latter documents trade on the munitions black market for a minimum of $100,000.[68] Since many of these documents are signed by officials of "friendly" nations,

[63] Russell Warren Howe, *Weapons: The International Game of Arms, Money and Diplomacy* (Garden City, NY: Doubleday, 1980), 406–410.

[64] Michael Dunn and Julia Ackerman, "New Wine in Old Wineskins," *Defense and Foreign Affairs* 13 (December 1985): 12–16.

[65] William H. Inman, "Insiders Fulfilled Wish for Weaponry," *Memphis Commercial Appeal*, 20 October 1986.

[66] Steve Johnson, "The Other Arms Race: Reusable Surplus in Wrong Hands," *San Jose Mercury News*, 30 July 1986.

[67] *United States Customs Service—Accomplishments 1982–1987* (Washington, DC: GPO, 1988), 9.

[68] Gaylord Shaw and William C. Rempel, "Billion-Dollar Iran Arms Search Spans U.S. Globe," *Los Angeles Times*, 4 August 1985.

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diplomatic problems often occur. Also, given the magnitude of documents to be processed, these shipments may simply receive approval based on the authentic signature.

U.S. Policy Choices and Illegal Arms Exports

Up to this point evidence has been presented indicating that publicly acknowledged illegal arms trade emanating from the United States occurred at unprecedented levels during the 1980s and has become a phenomenon worthy of more attention than it has received in the past. While much more research must be conducted, especially using the legal documents for the more than 200 cases made public by the Justice Department, the data presented represent the essence of the phenomenon as it is now known. Some may conclude that given this evidence the problem is not sizable enough to fit on the public policy agenda. Others may view the data as leaks that have always been there but were discovered in the 1980s due to a shift in enforcement procedures. However, an examination of the interaction of U.S. policy and the changing international arms trade environment during several postwar periods provides evidence that the recent levels of illegal arms exports are not an artifact of the increase in enforcement effort. Rather, they represent a significantly new component of the arms trade, which may be leading to impacts heretofore unknown.

The Cold War Period

The bipolar era from 1946 until the mid-1960s saw the United States engaged in a massive military assistance program in which U.S. surplus equipment dominated transfers. In 1955 the USSR joined in this mutual effort to arm Third World clients. Recipients lacked the cash to provide a significant market for illegal sales, especially for the newly developed systems coming on line as the West European suppliers recovered from the war. The conflicts generating the demand for arms tended to involve the two superpowers, whose tightly controlled aid policies insured a minimal amount of truly illegal sales from third parties. Private dealers either worked in tandem with the government in legal covert deals or operated illegally at the margin in small arms.[69] Robert Harkavy's seminal book on the arms trade system of this period concludes that "only occasionally is there an apparent example of circumvention of governmental licensing procedures. Even here, one normally suspects that governmental denial of complicity is a cover to mask the unearthing of connivance."[70]

[69] For a thorough account of the U.S. government role in the private trade during this period, see Brogan and Zarca, *Deadly Business*.

[70] Harkavy, *Arms Trade*, 37.

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The Nixon Doctrine

The advent of the first Nixon administration coincided with major changes in both U.S. arms transfer policy and the international arms market. The United States was shifting from an approach based on grant aid to one of credits and cash sales, particularly to West European customers. Surplus equipment stocks had run dry, and recipients were demanding newer arms developed for U.S. forces. Arms industries were being encouraged to get into the export business and improve the balance of payments situation.[71] 1970 there was a serious balance of payments problem, which resulted in a policy to promote exports of all kinds. At this time the Department of Defense cut back spending for procurement and research and development, which defined the post-Vietnam syndrome. All of these developments combined to produce incentives for the legitimate export of arms by industry and government. The Nixon Doctrine provided the foreign policy rationale for these exports, a promise that although the days of U.S. intervention with troops were over, arms would be supplied. This trend continued in the second Nixon administration due to the twin policies of export promotion and détente, which resulted in an easing of many of the export administration procedures in order to promote trade in all sectors, including commercial arms sales.[72]

All of this activity took place in a bureaucratic environment characterized by declining control. The phenomenon of arms sales as opposed to arms aid outran the bureaucracy's ability to adjust. While bureaucrats complained, promoters pushed these sales as a critical element of U.S. foreign policy. By 1974 Congress began to examine the situation and eventually put into place a series of controls that formed the basis for the Arms Export Control Act of 1976.

Internationally, the explosion in oil prices and the concurrent increase in arms purchases by developing countries with petrodollars meant that the legitimate market was booming. Demand was significant, and sales increased accordingly. Recipient states were no longer satisfied with surplus and had the cash to meet their needs. Further, they could afford new end items and did not have to rely on spare parts or upgrades to supplement their military capability. Conflicts remained East-West in nature, and the USSR's arming of its clients with modern equipment evoked a similar response from the United States. The locus of this conflict-generated demand shifted from Asia to the Middle East, where most clients had access to petrodollars. Illegal arms exporters could have taken advantage of this situation, but it is more likely that they did not. It was too easy to legitimately export arms due to external demand and a bureaucracy with diminishing control over the export of munitions. We do know that no illegal

[71] David J. Louscher, "The Rise of Military Assistance as an Instrument of Foreign Policy," *Orbis* 20 (Winter 1977): 933-964.

[72] Interviews with Customs and Justice officials. Also see GAO report, *U.S. Munitions Export Controls Need Improvement*, Report Number ID-78-62, 25 April 1979, i, 7.

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trade with a significant impact on U.S. foreign or defense policy came to light in this period.[73]

Carter and the Leprosy Letter

Jimmy Carter assumed office at the height of congressional criticism of U.S. arms transfer policy. But this criticism and the resultant arms transfer restraint policy of the Carter administration had little to do with illegal arms sales. Although truly illegal sales did surface during this period,[74] the policy debate assumed that control of the trade was as intact as it had been since the late 1930s. However, the Carter policy did have a negative impact on incentives to export arms illegally. Carter's policy pronouncements used phrases such as "arms merchant" and "spiralling arms traffic" and was designed to create an environment focused on the heart of the primary motives of private and illegal arms dealers—arms for money. As a result, these dealers now faced a national policy that openly disparaged selling arms for profit. A message to all embassies, soon dubbed the "leprosy letter," cautioned U.S. embassy personnel that the "sale of items on Munitions List is not to be treated as normal commercial business."[75] Illegal arms sales were occurring during this period.[76] But this restrictive policy environment increased the risks for middlemen and others on the edges of the legal arms trade.

Internationally, the demand created by the surge in oil revenues continued unabated. Despite the restraint policy, the worst fears of U.S. defense manufacturers, and some celebrated turn-downs during the Carter administration, arms

[73] For a thorough treatment of the Nixon arms transfer policy, see Lewis Sorley, *Arms Transfers Under Nixon: A Policy Analysis* (Lexington: University of Kentucky Press, 1983).

[74] The Congress held hearings in 1979 on Panama running guns to the Sandinistas prior to the downfall of Somoza. U.S. Congress, Subcommittee on the Panama Canal, House Committee on Merchant Marine and Fisheries, *Panama Gunrunning*, Hearings, 96th Congress, 1st sess., 1979. In 1979 the Olin Corporation and Smith and Wesson were penalized by the U.S. government for munition controls violations. Nicholas M. Horrock, "Civil Settlement Reportedly Sought in Sales Abroad by Arms Company," *New York Times*, 27 February 1979; Robert E. Thomasson, "Judge in Arms Case Orders Olin to Pay $510,000 in Charity," *New York Times*, 31 March 1978. In early 1980 a "large international gunrunning organization that sells at least $10 million in arms each year" was uncovered in New York. Charles Kaiser, "World Gun Ring Reported Found with Arrest of 2: P.L.O. Is Cited as a Buyer of Multimillion in Arms," *New York Times*, 1 January 1980.

[75] "Guidance to US Embassies," *Munitions Control Newsletter*, no. 61, October 1978, 6.

[76] Interviews with customs officials and intelligence analysts reveal that they feel illegal arms traders have always been in business. A 1979 GAO study revealed that enforcement efforts prior to the 1980s focused on neutrality cases in which acts by private citizens jeopardized the neutrality of the United States in conflicts between other countries. "The statistics on Customs' neutrality enforcement activities and the results of the test inspections made for us by Customs (in fiscal year 1977) show that violations of munitions control laws and regulations do occur." United States General Accounting Office, *U.S. Munitions Export Controls Need Improvement*. Report Number ID-78-62, 25 April 1979, 14. Also, the arms embargo on South Africa was less than successful due to illegal transfers. Michael Klare, "Evading the Embargo: Illicit U.S. Arms Transfers to South Africa," *Journal of International Affairs* 35 (Spring-Summer 1981): 19–21.

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transfers actually increased as conflict and international politics required the continued use of security assistance as a tool of foreign policy. Indeed, critics on both the left and right declared the restraint policy a failure.[77] The Soviet Union embarked on the largest surge in arms transfers since the mid-1950s. This was due in part to new conflict situations (Angola, Ethiopia, Afghanistan) but also took advantage of hard currency opportunities (Libya, Iraq). It was also a time when coproduction arrangements, particularly between U.S. and European manufacturers, became a reality. In short, viewed through the lenses of U.S. manufacturers and traders of defense equipment, the world market was still predominantly legitimate and legal.

The later stages of the Carter administration provided further disincentives for illegal exports. Unlike the early 1970s, the defense budget had started to increase due to public support and an increasingly hostile USSR. Also, the Carter emphasis on armaments cooperation with NATO, the so-called Two-Way Street, was a comforting development for those manufacturers who had been chastised as arms merchants in the leprosy letter and other policy pronouncements. The Soviet invasion of Afghanistan gave industry hope that the United States was about to return to the days of a more certain domestic U.S. market in the form of a larger defense budget.

Reagan and the Decline in Legitimate International Demand

The Reagan administration made it clear from the beginning that in direct contradiction to the emphasis on restraint by the Carter administration, arms sales were to be an "essential element of its global defense posture and an indispensable component of its foreign policy."[78] If arms sales were an exceptional instrument of foreign policy under Carter, it was going to be the opposite under Reagan. Overall relations with the USSR were conflictual and arms transfers were couched in terms of an international "strategic consensus" against the common foe.[79] Parallel to this arms transfer policy shift, the defense budget grew. Also, Congress passed the Competition in Contracting Act, designed to increase the number

[77] The literature on the Carter arms transfer policies and their effects is voluminous. See Michael D. Salomone et al., "Lessons from the Carter Approach to Restraining Arms Transfers," *Survival* 29 (September–October 1981): 200–208; Richard Betts, "The Tragicomedy of Arms Trade Control," *International Security* 5 (Summer 1980): 80–110.

[78] Office of the White House, *Statement by the President on Conventional Arms Transfer Policy*, 9 July 1981.

[79] For treatment of the Reagan arms transfer policy, see U.S. Congress, House Committee on Foreign Affairs, *Changing Perspectives on U.S. Arms Transfers*, prepared by the Congressional Research Service, 25 September 1981; Anthony H. Cordesman, "U.S. and Soviet Competition in Arms Exports and Military Assistance," *Armed Forces Journal International*, 31 August 1981, 65–72; Francis J. West, "The Security Assistance Program: Giveaway of Bargain?" *Strategic Review* 11 (Winter 1983): 51–56; William Hartung, "The Reagan Revival of Arms Deals," *The Bulletin of Atomic Scientists* 43 (July/August 1987): 20–25.

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of defense contractors, increase competition, and lower prices. These changes resulted in a larger defense industrialization base (more manufacturers and traders), a larger domestic market (defense budget), and the promise of significantly increased international sales.

One of the effects of these changes was an increase in commercial licensing activity by the State Department. The value of commercial sales agreements rose from an average of about $6 billion per year during 1977–1980 to about $11 billion in the 1981–1984 period. License applications also increased, rising from an average of 32,275 per year in the Carter era to 42,750 in the first Reagan administration.[80] These agreements by no means translate into actual deliveries, which were much lower. Industry is quick to point out a continuing bias on the part of the arms export bureaucracies for government-controlled foreign military sales (FMS) arrangements instead of commercial sales.[81] But there was a definite surge by arms manufacturers, dealers, and exporters to take advantage of a policy much more conducive to arms sales in general. As was the case during the early 1970s, this increase in new commercial arms sales resulted in challenges to the bureaucracies charged with controlling arms exports.[82]

This brief assessment indicates that the domestic U.S. policy environment should have led to an increase in legitimate arms exports (deliveries) from the United States. Instead, the opposite occurred. Arms transfers in every category—FMS, military assistance program (MAP), and commercial—declined during the 1980s. The answer to this puzzle lies in a changing international situation marked first by a decline in the demand for legally traded arms, at least as traditionally traded in the postwar systems previously discussed. The surplus of petrodollars evaporated in the wake of an oil glut. The debt crisis in the developing countries meant that no money was available for the modernization and prestige buys of an earlier era. Further, the inventories of most of these former customers were full, creating absorption problems. So despite a vigorously anti-Soviet focus to U.S. foreign policy, arms transfers diminished. With Mikhail Gorbachev as the leader of the USSR and the subsequent thaw in U.S.-Soviet relations, even this incentive for arms transfers became less important. Finally, the major war between Iran and Iraq, which in former eras would have been the source of many a U.S. arms deal, was essentially off limits to legitimate U.S. arms exporters.

[80] Joseph P. Smaldone, "U.S. Commercial Arms Exports: Policy, Process and Patterns" in Louscher and Salomone, eds., *Marketing Security Assistance*, 185–213.

[81] Author's interviews with industry officials, 1981–1988; for an recent view of the industry position, see the statement of the American League for Exports and Security Assistance (ALESA). Joel Johnson, "Trade and the Defense Industry: Time for a Serious Appraisal," *Defense and Foreign Affairs* 15 (May 1987): 18–20.

[82] An in-depth assessment of this situation is beyond the scope of this article. For a sample of the issues, see United States General Accounting Office, *Arms Exports: Licensing Reviews for Exporting Military Items Can Be Improved*, GAO Report No. GAO/NSIAD-87-211, September 1987; for a statement of the Office of Munitions Control (OMC) role and procedures in the licensing of arms exports, see Smaldone, "U.S. Commercial Arms Exports."

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Illegal Exports and the International Trade System of the 1980s

The logic of the argument developed to this point leads to the conclusion that the appearance of illegal arms exports in the 1980s, important in terms of both quality and quantity, occurred because of a surge in U.S. arms production capabilities (spurred by increased defense spending), some problems with controlling commercial exports, and a decline in the international demand for legitimately traded arms. These factors combined to force participants in the arms trade up to and over the fringes of legality. But these factors do not fully explain why U.S. participants in arms production and trading, when faced with this international market situation, did not simply fold their tents and go into another line of work. A further look at how the international arms trade system has changed in the 1980s suggests some potential reasons why illegal trade flourished during this period.[83]

First among these changes was the shift away from bilateral national negotiations and dealings to the arms bazaar approach. Between 21 September 1987 and 28 January 1988, twenty-two military equipment exhibitions took place in eight different countries from Australia to Egypt. Just a few years before, only the Farnborough and Paris air shows were available.[84] These exhibitions are much less expensive and troublesome to attend than traveling to a multitude of potential customer countries. For the smaller companies and brokers, the former approach was simply prohibitive and could be considered a deterrent to all but the major players in the arms trade.

Second, offsets are now a fact of life in making arms deals.[85] Recipient countries now demand that the price they pay for military equipment be offset by the supplier. This can be in the form of coproducing parts in the recipient country, technology transfer, or countertrade. Whatever the form of offset, it means that arms deals must now include a wider variety of participant. Furthermore, the United States has decreed it will not be involved in the offset arrangements.[86] This has led to a situation in which the government sells the military equipment, but the private companies involved in the deal must conclude and manage the offset arrangement. Offsets have enhanced the role of the private sector in arms trade.[87] Privatization of the trade does not equate to illegality. However, given a normal distribution of criminal intent throughout the world, an increase in illegal sales should not come as a surprise.

[83] The international context that promoted illegal arms trade is also treated in Laurance, "The New Gunrunning"; and Laurance, *The International Arms Trade* (New York: Lexington Books, 1992).

[84] "Exhibition Calendar," *International Defense Review* (September 1987): 1281.

[85] Stephanie G. Neuman, "Coproduction, Barter and Countertrade: Offsets in the International Arms Market," *Orbis* 29 (Spring 1985): 183–213.

[86] Ibid.; David C. Morrison, "Have Weapons, Will Trade," *National Journal*, 29 March 1986, 763–767.

[87] For a major study of how the exporting of conventional arms-making technology has effected the control of the arms trade, see Michael T. Klare, "The Unnoticed Arms Trade: Exports of Conventional Arms-Making Technology," *International Security* 8 (Fall 1983): 68–90.

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A third structural change was the magnitude and nature of the weapons being traded on the international black market. Illegal arms trade has become a pervasive component of the system and a serious problem for many countries, not just the United States.[88] Fourth, an increasing percentage of the international arms trade is in spare parts. Several developments account for this. Many of the countries that bought major weapons systems in the 1970s now need the spare parts to keep them operational, a natural part of the absorption process. The debt crisis and lack of capital for the purchase of most modern weapons has meant the creation of trade in refurbished equipment. And as recipients switch suppliers, often under strained conditions, direct support of equipment in the inventory becomes a problem. Private arms dealers then fill the void.[89] As pointed out earlier, nowhere was this more true than in Iran in the 1980s.

A fifth change in the structure was the legitimation of private arms dealers. The Iran-contra revelations were but the latest piece of evidence that private arms dealers and middlemen are increasingly being used by many governments.[90] Such activity is "legal," since it is controlled by governments. But it is the nature of these arms middlemen to promote an image of power and influence unconnected to governmental policy. An increasing use of private arms dealers by governments may have produced some positive policy outcomes, but not without the side effects of legitimizing their place in the system and a diminished capability for governments to control the trade.

A sixth structural change was a growing stockpile of surplus and uncontrolled equipment, which illegal traders found easier to acquire. Once before in history the international arms market found itself with massive quantities of surplus equipment. The huge expenditures of World War II created massive stockpiles of military equipment, followed by a cold war that featured the superpowers wooing the newly independent states with these arms. But the superpowers were in tight control of that system, and private trade was minimal. The 1980s saw a similar surplus, due in part to the massive increase in arms delivered during the oil price boom of the 1970s. Surplus equipment from the USSR, Warsaw Pact, and other countries initially armed by the USSR also found its way into the

[88] Michael Brzoska. "Profiteering on the Iran-Iraq War." *Bulletin of the Atomic Scientists* 43 (June 1987): 42–45.

[89] Michael T. Klare. "The State of the Trade." *Journal of International Affairs* 39 (Summer 1986): 15. Also see Testimony of William Robinson, Director, Office of Munitions Control, State Department, before the Senate Committee on Governmental Affairs, 20 February 1987; James Kirfield, "What Iran Needs," *Military Logistics* (January/February 1987): 11.

[90] George J. Church, "The Murky World of Weapons Dealers," *Time*, 19 January 1987, 26; Elaine Sciolino, "The Arms Market: Shadowy World," *New York Times*, 4 December 1986; Martin Tolchin, "U.S. Policy 'Privatized' In Iran Deal, Critics Say," *New York Times*, 20 January 1987; Jeff Gerth, "Arms Dealers Linked to U.S. Policy Shift," *New York Times*, 16 January 1987; Stephen Engelberg, "From an Iranian Middleman in the Weapons Dealings, His Side of the Story," *New York Times*, 22 June 1987.

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market.[91] Added to this stockpile were those commodities exported by suppliers who do not require an end-use certificate. The retransfer of Brazilian armored personnel carriers from Libya to Iran is one example in a long list. The difference is that this time around the system did not have a similar level of control. It was simply much easier for those engaged in illegal trade to acquire commodities to trade.

A seventh structural change was the development of a supply network developed for the drug trade that is increasingly being used for arms. It is perhaps one of the most critical differences between the 1980s and previous periods. It is an efficient and clandestine supply network, capable of handling a large volume of goods. The revelations in recent years of the methods used by international drug dealers make it clear that this network is being used for arms as well as drugs.[92] It is not related to a specific conflict arena, but remains in place and could facilitate the flow of arms into other conflicts where black market purchases would be preferable to those from governments who might try to apply political leverage.

In addition to these structural changes, it should be noted that the 1980s saw conflicts that created strong pressures to illegally obtain arms from the United States. Iran's war with Iraq is one obvious example. Iraq, due to the difference in population with Iran, was forced to adopt a strategy which involved maximum use of its airpower to attack Iranian oil facilities. Iran's air force and air defense missile capability was U.S.-made, thus creating the pressure to establish an all-out Iranian effort to obtain the needed spare parts from the U.S. illegal trade was the only method available.

Changes in the structure of the international arms trade are not direct causes of illegal arms exports from the United States. The demand for illegal arms created by Iran's war with Iraq, for example, was a more direct explanation. But the new structure allowed Iranian agents to make contacts more easily; equipment is now harder to monitor given the realities of offsets, internationalization, spare parts, and high technology in small packages. The changes have been instrumental in complicating efforts to control the illegal trade.

Into the 1990s

A cursory look at the illegal arms trade of the early 1990s reveals that the patterns of the 1980s continue. The number of Significant Export Control Cases listed by the Department of Justice continue at the same level—thirty-one for 1989,

[91] Mark Kirk, "The Arms Trade No One Talks About," *Christian Science Monitor*, 14 September 1984.

[92] A detailed examination of this phenomenon would illuminate the extent of the impact on the illegal arms trade, but such an examination is beyond the scope of this article. For one example, see William Branigan, "Mexico Cracks Major Arms, Drug-Trafficking Ring," *Washington Post*, 26 February 1988.

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thirty-three for 1990, and sixteen for the first half of 1991. In 1989 and 1990 a significant percentage of the cases related to illegal exports to Iran. By 1991 this had begun to change and cases involving Iraq and Yugoslavia appeared on the list, confirming the reality that illegal arms exports are very much related to ongoing conflicts.[93] While most of the controversial arms exports to Iraq by the United States prior to 1990 were legal, the magnitude of the Iraqi effort to acquire sensitive and destabilizing armaments ensured that illegal activity was bound to occur. As one example, in a case still being investigated, an Iraqi front company in the United Kingdom set up a small subsidiary in Ohio to tap into American expertise. In September 1990 the company's doors were padlocked by the U.S. government, and the United States Customs commissioner said that the company had been "purchased by Iraqi interests for the specific purpose of illegally acquiring critical weapons technology."[94] The story of the arming of Iraq has also uncovered unprecedented financing and banking networks for arms transfers. The Bank of Credit and Commerce International (BCCI) scandal, in which a very large international bank was discovered to have been used extensively for illegal arms sales, is only the latest confirmation that illegal arms trade is big business.[95] There is increasing evidence that the end of the cold war has spawned yet another avenue for illegal arms trade. In April 1992, an elaborate sting operation led to the arrests of six former high-ranking Polish government officials and a California arms dealer accused of plotting to sell nearly $100 million in high-powered rifles and anti-aircraft missiles to Iraq. This smuggling ring claimed to have access to surplus Soviet equipment stored in Poland, Germany, and Czechoslovakia; and it used the standard practice of skirting U.S. licensing requirements by falsely labeling shipments as equipment and technology that had nothing to do with the armaments. The final package agreed to by the parties was 4,000 grenade launchers, 1000 portable anti-aircraft missiles, and 73,000 assault rifles.[96]

The international arms trade system of the 1990s has been transformed in a major way by two seminal events—the end of the cold war and the Persian Gulf War.[97] One of the major effects of the arming of Iraq and the subsequent Gulf war is the sudden increase in the attention paid to controlling the negative consequences of the international arms trade. What has emerged is an unprecedented number of approaches and concrete proposals to control what is now perceived to be the dangerous proliferation of military capability that threatens the stability of the system. One approach is that of transparency, the opening up of informa-

[93] These observations are based on U.S. Department of Justice data from the list of Significant Export Control Cases as of 31 October 1991.

[94] Elaine Sciolino with Dean Baquet, "An American Front Company Was Cog in Baghdad's Buildup," *New York Times*, 26 July 1992.

[95] Jonathan Beaty and S. C. Gwynne, "The Dirtiest Bank of All," *Time*, 29 July 1991, 42–47.

[96] Dean Baquet, "U.S. Arrests 7 in Plot to Sell Ex-Soviet Arms to Iraq," *New York Times*, 1 April 1992.

[97] For an in-depth treatment of this systemic transformation, see Laurance, *The International Arms Trade*.

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tion on the arms trade to allow the affected states to dampen and eliminate the ensuing negative consequences. Some of this transparency was unintended, such as the unwanted publicity that Germany received as a result of transfers to Libya and Iraq. Lists of firms and the items exported, which led to undesirable military capability in these two states, provided the most thorough evidence made public as to how a developing state can acquire the ability to produce ballistic missiles with warheads of mass destruction.[98] In the spring of 1991, in the aftermath of the Gulf war, country after country began to publish details of its arms exports and put forth proposals for transparency and the idea of an international arms trade register. The French, Germans, Bulgarians, Czechs, and the Soviets all published heretofore unreleasable data on arms exports.[99] All of this activity eventually led to a U.N. resolution in December 1991 establishing an arms trade register, with the first voluntary submission of data to begin in April 1993.[100] In addition to this movement toward increased transparency, the five permanent members of the UN Security Council have met three times since the summer of 1991 in an attempt to coordinate and control their arms sales activities so as to dampen the negative consequences.[101]

Despite all of these positive developments, little has changed regarding the issue of illegal arms trade. All of the above arms trade transparency and control activities feature governments talking to governments or governments releasing data, which assumes that national control of exports remains as it has throughout the cold war era. For example, during the deliberations of the UN panel developing the arms trade register, when the subject of illegal arms trade arose, it was quickly dismissed as an entirely different issue.[102] The United Nations did address the issue in 1991, both in its study *Study on Ways and Means of Promoting Transparency in International Transfers of Conventional Arms*, published on 9 September 1991[103] and in the 1991 General Assembly Resolution GA/46/36 H,

[98] The reporting on this development was extensive, much of it in German. One of the most in-depth treatments in English is Kenneth R. Timmerman, *The Poison Gas Connection: Western Suppliers of Unconventional Weapons and Technologies to Iraq and Libya* (Los Angeles: Simon Wiesenthal Center, 1990). The best source in German is Hans Leyendecker and Richard Rickelmann, *Exporteure Des Todes: Deutscher Rustungsskandal in Nahost* (Gottingen: Steidl Verlag, 1991). Also see Timmerman, *The Death Lobby*.

[99] "Bulgarians to Share Data on Arms Sent to Terrorists," *New York Times*, 2 August 1990; David Godhart and Andrew Fisher, "Germany's Trade Surplus Down By 20 Per Cent," *The Financial Times*, 15 February 1991; "French to List Export Details," *Jane's Defense Weekly*, 11 May 1991, 775; "Belousov Details 'Diminished' Military Exports," *Tass*, 22 December 1990, FBIS, *Daily Report: Soviet Union*, 9 January 1991, 45–46.

[100] The author is a consultant to the UN panel charged with developing the procedures for the effective operation of the Register established in the Transparency in Armaments resolution 46/36L, 9 December 1991.

[101] Lee Feinstein, "Third Round of Arms Sales Talks Fails to Resolve Notification Issue," *Arms Control Today* 22 (June 1992): 21.

[102] Observations of author, January–July 1992.

[103] *Study on Ways and Means of Promoting Transparency in International Transfers of Conventional Arms*, Document No. A/46/301 (New York: United Nations, 9 September 1991), 135–145.

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International Arms Transfers. The latter document takes note of the realities emphasized in this article. It calls upon

> States to give high priority to eradicating the illicit trade in all kinds of weapons and military equipment, a most disturbing and dangerous phenomenon often associated with terrorism, drug trafficking, organized crime, mercenary and other destabilizing activities. . . . Also urges Member States to ensure that they have in place an adequate body of laws and administrative machinery for regulating and monitoring effectively their transfer of arms, to strengthen or adopt strict measures for their enforcement, and to cooperate at the international, regional and subregional levels to harmonize, where appropriate, relevant laws, regulations and administrative procedures as well as their enforcement measures, with the goal of eradicating the illicit arms trade as stated in the recommendation of the study.[104]

Despite some encouraging signs that governments are beginning to deal with the negative consequences of arms trade under their national control, the illegal component of the trade continues to thrive.

IMPLICATIONS

U.S. National Security

It is clear from the evidence presented from the 1980s and continuing into the 1990s that a distinctly different situation has developed with implications at several levels. First, it is highly likely that illegal arms trade can have a significant impact on the national interests and conduct of U.S. defense and foreign policy. Documentation from the court cases, media commentary, and interviews with government officials explicitly refer to a variety of impacts on the national security of the United States. What emerges from a review of these sources is a typology of negative consequences that can serve as a guide to future research and any changes to the policy-making process that may be required. These potential impacts include the arming of adversaries, complication of military planning and threat analysis, diminished capability for conflict control, the penetration of the United States military supply system, and negative effects on the readiness of U.S. forces and foreign relations in general.[105] Illegal arms exports should not be treated as a collection of private criminal acts perpetrated by greedy and desperate businesspeople. Rather this illegal trade, both present and predicted, should be integrated into policy debates along with other costs and benefits. This appears to have been the case when the Reagan administration considered the likelihood that Stinger missiles destined for Afghanistan would end up in hands other than those for whom they were intended.[106]

[104] United Nations General Assembly Resolution 46/36 H, *International Arms Transfers*, December 1991.

[105] See Laurance, "The New Gunrunning."

[106] David B. Ottaway, "Mules, Missiles and Mujaheddin," *Washington Post National Weekly Edition*, 20-26 February 1989, 6-8.

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Erosion of National Control

A situation in which foreign networks continue to penetrate U.S. government organizations and defense industries may change the definition of "control" as it has been known since the latter 1930s. The debate over U.S. arms transfers and their promotion of national interests has raged since the late 1960s. But throughout that debate the presumption was that the process of exporting arms was controlled at the national level. The executive branch annually defends arms transfers as a valuable tool of foreign policy, citing the many check points in the process as evidence that it is a tool under control. Very few in industry would disagree that the U.S. government totally controls their ability to export arms. Intelligence and enforcement agency data on this illegal trade is not utilized in the arms transfer policy process. The assessment of the illegal arms trade in this article suggests that it may be prudent to do so. At a minimum, the bureaucracies formed to control the more traditional forms of arms exports may have to be modernized based on what is now known about the illegal trade.

Prior to the 1980s, illegal arms exports were occurring, but they were not part of the public policy agenda. Customs officials, intelligence analysts, and a few journalists knew of the methods and techniques used in these illicit deals. In the 1980s these issues became public, causing many public officials to go on record as being genuinely surprised that illegal arms trading had become so daring and widespread.[107] Forced to deal with these issues, an American public that has traditionally been predisposed against the merchants of death[108] responded predictably with concern about these practices. This concern often did not distinguish between illegal arms exports as defined in this article, and the legal arms transfers in covert operations employing private arms dealers. However, what these two types of deals have in common is promoting the perception that governmental control is declining. If there is anything distinguishing the 1980s from previous periods, it was the fact that for the first time control of the arms trade at the national level was questioned.

The factors promoting illegal arms trade represent a wide variety of phenomenon. Some of the factors indigenous to the United States are susceptible to policy manipulation, although some others represent deeply-entrenched organizational battles.[109] The problem is not unlike that involving defense procurement in the

[107] In reference to the emergence of private arms dealers as a result of Iran-contra, the head of the House Foreign Affairs Committee was quoted as asking, "Who are these people? Who are the middlemen? What opportunities are there for dragging the United States into something it doesn't want to be dragged into?" Mark Matthews, "Investigator Eyes Arms Sales Effect on Our Foreign Policy," *Baltimore Sun*, 27 January 1987.

[108] Robert B. Mahoney Jr. and David L. Wallace, "The Domestic Constituencies of the Security Assistance Program" in Ernest Graves and Steven A. Hildreth, eds., *U.S. Security Assistance: The Political Process* (Lexington, MA: Lexington Books, 1985), 133–39.

[109] For an example, see Kenneth R. Timmerman, "U.S. Customs Stumbles into Deep Mideast Waters," *Wall Street Journal*, 3 May 1986.

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United States. Is the system at fault, or is it a matter of bad apples?[110] The major difference is that in the case of illegal arms trade little attention has been given to the characteristics of the systems, processes, and environment that may promote this trade. Where reform is required and possible, illumination of these issues and their potentially negative impact on national security may spark action before the negative effects reach the higher stage. As in any policy analysis, the negative effects in one area must be balanced against the positive effects in another. The benefits derived from government controlled arms transfers have been clearly demonstrated throughout the postwar period. But very few benefits can accrue from illegal exports that bypass the policy review process.

International Arms Trade Control

There are also implications for the international control of the negative consequences of the arms trade. Conventional arms embargoes never have worked very well, even when the arms trade was almost totally government controlled. With potent and high technology military capability now being traded privately and illegally, embargoes are all the more difficult to execute. It is ironic that prior to the cease-fire between Iran and Iraq, a rare consensus on arms control (an arms embargo) in the UN Security Council was highly likely, just when the capability to enforce it had declined.

Operation Staunch, the U.S. effort to restrict arms imports to Iran, provides some insights into the impact of the illegal trade. Iran's dependence on the U.S. black market for a few key parts for major systems meant that the United States had to effect surveillance at the beginning of the chain. For example, the Varian Corporation in California is the only company who makes the tube required for the Hawk missile radar to operate. Once it was known that the Iranians needed this tube, the cooperation of the company was secured, and there is a consensus that none of these tubes reached Iran. Success was possible in this case but may be less likely where critical parts are made by more than one manufacturer. Most analysts agree that the F-4 aircraft were kept flying in Iran with illegally acquired parts. The difference is there are multiple suppliers for many of these parts, making embargo enforcement much more difficult.

The success of Operation Staunch was also greatly influenced by the Iran-contra revelations. Interviews with U.S. government officials reveal that until Iran-contra and several parallel scandals in Europe, it was tough going. The publicity of these cases seemed to have driven illicit traders further underground. It certainly raised the price of the commodities on the Iranian "list."[111] There is no consensus as to the effect that illegally imported arms had on the conflict. But

[110] Richard Halloran, "Arms Scandal: More Than a Matter of Greed," *New York Times*, 17 July 1988; Barry M. Blechman, "Needed: Pentagon Heart Surgery," *New York Times*, 14 July 1988.

[111] Interviews with U.S. government and industry officials, February 1989.

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this may not be the key point on which to focus in assessing the impact of illegal trade. The patterns and methods revealed in unearthing attempts to illegally acquire arms can form the basis for the planning and executing of future efforts to lessen the negative effects of arms transfers.

If the trading patterns depicted in this article persist, they will also have a direct impact on the attempt by the United States and some of its allies to limit the proliferation of ballistic missiles. Controlling the export of this military capability is inherently harder than nuclear weapons, given that most states invoke their sovereign right to defend themselves. The capability to manufacture these systems and components is not limited to the six nuclear states. When the trends, networks, and methods described in this article are considered, it makes ballistic missile control seem a long shot at best.

Summary

One of the goals of this article was to illuminate the illegal arms trade given the publicly available data. Having done this, it appears that the magnitude of the cases being prosecuted is greater than at any time in the post-World War II era. While little hard data exist on illegal arms exports prior to the 1980s, it is highly improbable that this is due solely to a lack of enforcement effort or attention to violations of arms export laws. Rather, the current level of illegal arms export activity seems to be a logical outcome of both the domestic and international context. Despite the end of fighting in the Iran-Iraq war, and the conclusion of the war against Iraq, attempts to illegally export critical items to this region continue. The profit/greed motivation for these illegal acts may have been a constant throughout the postwar period. However, in the unique context of the 1980s, illegal arms exports thrived and consequently cannot be ignored.

The levels are not trivial, the equipment is increasingly useful to those involved in actual conflicts more directly linked to the United States, the destinations are widespread, and the methods used by the participants are changing and growing. Enforcement officials feel that the cases prosecuted to this point represent only the tip of the iceberg, and the perception is growing that this trade contributes to the erosion of national governmental control that has existed since the 1930s.

Despite movement in the direction of international arms trade control, the outlook is for continued pressure from the international system for illegal arms exports from the United States. Even if the will does develop among governments to control the negative aspects of the arms trade, the private network may have developed to the point where it may not matter. Then we may have to go back to the literature, congressional hearings, and international conferences of the 1920s and 1930s for clues about how the world dealt with a previous generation of Merchants of Death.

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Book Reviews

After the Fall: The Pursuit of Democracy in Central Europe *by Jeffrey Goldfarb. New York, Basic Books, 1992. 267 pp. $25.00.*

It has been rare in my experience to read a book, even a good one, and find its overall message and presentation as simpatico as I did Jeffrey Goldfarb's. Not scholarly in any conventional sense—there are no footnotes; the bibliographic note at the end, though helpful, does not extend beyond the obvious secondary literature in English; and the tone is highly personal, even anecdotal—this publication nevertheless addresses the most fundamental questions currently confronting the turmoiled social sciences, political science in particular. Even though Goldfarb's answers might prove unsatisfactory, perhaps even incorrect, they are most certainly intellectually engaging and normatively compelling.

Goldfarb's argument is simple: The *annus mirabilis* of 1989 initiated changes of such enormity in Europe and beyond that human history entered a new epoch in which the paradigms defining its predecessor have simply been rendered irrelevant. Most significantly for Goldfarb, the pre-1989 division of capitalism and socialism has become meaningless in this new post-1989 world without, however, alleviating the continued cleavage between a left and a right. Goldfarb sees the former in its new constellation primarily preoccupied with issues such as change and rights, equality and reason, justice and democracy, while he views the latter seeking its new post-1989 identity in appropriating concepts such as nation, discipline, efficiency, order, religion, and leadership. Most endearing to me is the crux of Goldfarb's argument and the unabashed optimism with which he articulates it throughout the book: Democracy *tout court* (not preceded by any qualifying adjectives such as liberal, parliamentary, representative, participatory, social to name a few possibilities) matters. Even though Goldfarb never offers explicitly a formal definition of democracy, it is eminently clear what he means: a political system guided by human decency, personal dignity, public debate, open dissent, absence of fear, as well as a sense of empowerment and autonomy on the part of the populace vis-à-vis the state and other organs of power. Whatever one might think of the current predicament confronting each of the East-Central European and post-Soviet societies individually and as a group, Goldfarb maintains with absolute certainty that their contemporary

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situation provides a decisive qualitative improvement over the totalitarian horrors that defined their realities since 1948 in the case of East-Central Europe and the early 1920s in that of the Soviet Union. But Goldfarb goes one step further. In his extolling of an Arendtian and Tocquevillian democracy with a Jeffersonian (or, more appropriately, [Adam] Michnikian and [Jan] Urbanite) tinge, Goldfarb seems convinced that the current hardships and struggles befalling these postcommunist countries will not only make them better societies but in the process enhance the existence of democracy elsewhere in the world, including the West. Adding to the simpatico nature of the book is the fact that Goldfarb reserves almost as much criticism for the deficiencies of western capitalism as he does for Leninist socialism. Clearly, capitalism and democracy are for Goldfarb at best accidental contingencies. Not only do I share Goldfarb's optimism regarding the fate of East-Central Europe and democracy in this post-1989 epoch, but I also found it especially pleasing to read a thoroughly critical book by an avowed American leftist (though not perhaps socialist) of the abomination the world has come to know as socialism.

As any book, this one has shortcomings. The subtitle concerning "Central Europe" is somewhat misleading, because virtually all of the book's narrative richness is based on Poland (Goldfarb's long-established expertise) and Czechoslovakia, to the virtual exclusion of Hungary, Romania, Bulgaria, and the former Yugoslavia, all of which I would consider part of (East) Central Europe. Moreover, while I share Goldfarb's animosity towards all ideologies and major isms, I wish he had been a bit more precise in clarifying his distinction between the good world of ideas and the bad one of ideologies and what in this new epoch might prevent the degeneration of the former into the abyss of the latter.

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Saddam Hussein: A Political Biography *by Efraim Karsh and Inari Rautsi. New York, The Free Press, 1991. 307 pp. $19.95.*

More than a year has past since the termination of the second Persian Gulf war and the strong pronouncement of total victory over Iraqi military machine and its substantial destruction by the allied forces. More than a year has past since the outbreak of some of the most unparalleled, violent, and broad-based insurgencies by Iraqi Kurds and Shiites against the regime of Saddam Hussein. The United Nations' all encompassing and comprehensive sanctions against Iraq have been scrupulously and relentlessly implemented for more than a year. Despite all post-Gulf War regional political vicissitudes and fluctuations, the consensus about the necessity of the urgent removal of Saddam Hussein is still resolute and unshattered among regional countries and major world powers. And yet, against all odds, Saddam and his regime have miraculously survived. More than that,

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among some of the western political circles, fresh and strong rumors circulate about the normalization of the relations with the Iraqi regime within the next year. All such events have unequivocally proved the very scrupulous, accurate, and lucid explanations and elaborations that Efraim Karsh and Inari Routis have masterfully provided in this in-depth political biography of Saddam Hussein, a "Professional Survivor, and a "man for all seasons."

This is a first rate biography of Saddam Hussein on many accounts: The psychological analysis of his mentality; the sociopolitical atmosphere in which he grew at all stages of his personal and political life; the political history of contemporary Iraq; the analysis of innumerable multivariable sociopolitical internal and regional equations, which caused and helped the emergence of such a phenomenal tyrant; relations with major western and socialist powers; and the interactions between the Arab states. This book gives the reader a sense that he is living in the mind of Saddam Hussein and in his surrounding atmosphere, helping one to fully understand why in all critical stages of his life Saddam has been resolutely reacting and maneuvering to serve his sole purpose: to reach the top and to remain there unchallenged.

Similarities between Saddam's regime and other tyrant systems throughout the world are well recognized, categorized, and addressed in this volume; but what makes Saddam a unique phenomenon in the Middle East and in contemporary world history is also well covered.

However, certain points may be argued against the authors contentions by analysis of Middle East politics. One may doubt, for example, whether both major wars initiated by Saddam against Iran and Kuwait seemed to him inevitable for his political survival. Fear of the spread of Iranian-type fundamentalism into Iraq as the predominant compelling factor for the war, notwithstanding the military incapabilities and the political turmoils in Iran intrinsic in any revolutionary situation, seems to be overemphasized. The authors could have elaborated on the question of which internal, regional, and extra-regional factors and by what proportions are held responsible for the creation of such a political phenomenon, which is now frequently argued by international media and political circles. In a world where survival in isolation of any totalitarian regime in strategically important regions is becoming more and more impossible, such elaborations by the authors could have made the book even more useful and contributed to the task wished in the book's conclusion regarding some fundamental change in Iraq toward genuine democracy.

This is an authoritative biography, which should be read by every scholar interested in the contemporary history of Iraq and its role in shaping the geopolitical equations in the whole Middle Eastern region. The fluent, lucid, and colorful language with which the book is written must be commended.

MOHAMMAD JA'AFAR MAHALLATI
Columbia University

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Détente in Europe: The Soviet Union and the West since 1953 *by John Van Oudenaren. Durham, NC, Duke University Press, 1991. 491 pp. Cloth, $60.00; paper, $29.95.*

The author of this analytical history seeks to reconsider Soviet interaction with Western Europe from 1953 to 1990. He sees détente as a process and as a new strategy of the successive Soviet leaders after Stalin. Although purporting to cover the entire period to the end of the cold war in Europe, in fact only fourteen pages of the concluding chapter (and a few scattered elsewhere) deal with the Mikhail Gorbachev years from 1985 on. (An equal length of introduction in the first chapter deals with the postwar Stalin years to 1953).

While 1953 to 1985 is a substantial swath of recent history, this time frame leads the author to miss the opportunity to measure the depth of the transition from Stalin to Gorbachev. The author recognizes that Gorbachev wanted to go beyond détente, but he misses Gorbachev's radical break with the Leninist-Stalinist conception of the central role of struggle between the two worlds of imperialism and socialism shared by all his predecessors. While recognizing the limited nature of periodic ascendencies of détente, he does not fully recognize that détente was a variation within the framework of the cold war; that Gorbachev was not merely "groping his way toward a new conception of détente" (p. 353), but breaking the mold of the Leninist world view.

The book is structured in functional subject, rather than chronological, chapters. This helps draw attention to changes and continuities of, for example, economic relations, use of cultural and parliamentary exchanges, and arms control. But it is purchased at the cost of doubling back in ways that cannot help but overlap. Parallel treatments in separate chapters of "Four Power Process," "CSCE [Conference on Security and Cooperation in Europe] and the All-European Process," "Arms Control," and "Diplomacy" (the latter subdivided among "Summitry," "Consultations," and "Diplomatic Relations") cannot avoid both repetition and disjunction.

The author notes that he has concentrated "especially [on] the texts of agreements and accounts of how they were negotiated," in an effort to get away from what he disparagingly sees as a tendency to deal with "'views,' 'images,' or 'perceptions,'" (p. 3). But it is questionable if this serves his broader aim of elucidating policy.

Despite the broader subtitle, the author has chosen to deal with Soviet-West European relations. Even within that approach, Soviet relations with the United States is in this reviewer's judgment insufficiently engaged. Similarly, focusing on Soviet-Western European relations, rather than Soviet-European relations, tends to lose the East European dimension of European security and Soviet relations with Eastern Europe as a facet of Soviet interaction with the West.

The book is well researched and carefully documented. It has many insights, and it makes an interesting and useful contribution. There are a few curious omissions, presumably because of reliance on standard documentary source files.

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For example, he refers to the extensive published correspondence between President Dwight Eisenhower and his Soviet counterparts, while not mentioning the far more important extensive confidential correspondence between President John Kennedy and Nikita Khrushchev over a two-year period.

The author was not, of course, able to avail himself of new materials that have begun to be released in Moscow that directly affect his account. For example, publication in 1991 of the transcript of the trial of Lavrenty Beria discussed Beria's proposals in 1953 for reunification of a neutralized Germany; and the published memoirs of Andrei Gromyko and Viacheslav Molotov elucidate details of the major debate within the leadership. In the present volume, there is only reference in a footnote to "rumors" of such an initiative (p. 380).

In all, this is a useful, well-grounded review of many facets of Soviet relations with Western Europe during the three decades from the mid-1950s to the mid-1980s. While the approach is subject to challenge, the study is worthwhile.

RAYMOND L. GARTHOFF
Brookings Institution

The Development of the Idea of Détente: Coming to Terms *by Michael B. Froman. New York, St. Martin's, 1991. 179 pp. $49.95.*

While it was going on, the cold war was unusually difficult to study. So much of the material surrounding its origins and its conduct were matters of state secrecy and partisan controversy that scholars were unable to get the documents, the interviews, or the perspective needed for thorough and objective analysis. Furthermore, almost all cold war scholarship was one-sided. We always knew a great deal more about the politics, policies, and personalities of the West than we did about those of the Kremlin. With the opening of Russian archives our understanding of the cold war is likely to change and improve in the years ahead. In the mean-time, Michael Froman's new book provides a brief, traditional, and intentionally one-sided overview of détente, one of the cold war's most controversial policies.

The sources for Froman's account of the idea of détente are not new. For the most part, he examines the public statements and memoirs of the leading American statesmen of the cold war era. These are, of course, voluminous; and even if the spoken and written words that Froman analyzes were consciously prepared for public consumption they, nevertheless, provide an important source for understanding American policy toward the Soviet Union. This is a book about how the leading cold war policy makers in the United States thought about relations with the Soviet Union and how they attempted to persuade the Congress, the American people, and the world that their policies were sound.

Froman begins his book by identifying a fundamental division among the postwar advocates of détente. Some thought that better relations between the

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Soviet Union and the western powers would contribute to a transformation of the Soviet Union into a less threatening player on the international scene. Others saw the peaceful coexistence of persistent ideological enemies as a simple necessity in a world in which the two superpowers were armed with weapons capable of unthinkable destruction. The former group hoped that détente would gradually bring an end to the cold war and tended to raise public expectations that until the arrival of Mikhail Gorbachev were impossible to satisfy. The latter group sought only to define the boundaries within which cold war conflict could continue, but found the contradictory demands of simultaneous ideological competition and arms control cooperation exceedingly difficult to manage.

The balance of Froman's book is devoted to a chronological review of the emergence of détente in the Eisenhower, Kennedy and Johnson years, its high point under Nixon and Ford, its decline during the Carter presidency, and its unexpected renaissance in the second half of the Reagan administration. These chapters are well written, carefully documented, and generally conform to the conventional interpretations of foreign policy events in each of the cold war administrations. While we wait to learn how détente looked from behind the Kremlin walls, Froman's account of how it was understood in the White House will be a useful source for new students of American foreign policy and for experienced ones who want a clear and concise summary of the ups and downs of a controversial strategy.

ROBERT A. STRONG
Washington and Lee University

Justices and Presidents: A Political History of Appointments to the Supreme Court, 3rd ed. *by Henry J. Abraham. New York, Oxford University Press, 1992. 467 pp. $35.00.*

This edition of Henry Abraham's comprehensive analysis of the two-hundred years of presidential selection of members of the Supreme Court of the United States is exceptionally lucid, graceful, and delightfully written. After several introductory chapters, the major organization is chronological with a balanced appraisal of the appointment objectives and characteristics of each successive president and each of his nominees (whether successful or unsuccessful). Appropriate and insightful examination is also provided in the introductory chapters of the constitutional requirements (and silences) for Supreme Court selection by the president and the Senate of the United States. Abraham gives special emphasis to the historic and contemporary influence of national and regional politics as a defining influence in presidential-Senate interaction.

The Nixon era is given a special analysis because of the controversies surrounding Richard Nixon's appointees and the impact that the defeat of Lyndon

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Johnson's nominee for chief justice, Abe Fortas, had upon the Nixon attempts at gaining Senate approval for his numerous nominees. Chapters 3 and 4 provide clear and compelling analyses of how appointees get to the Court and why they are chosen. Abraham assesses the questions surrounding the intentions of the Framers in the Philadelphia Convention of 1788–1789, as well as the significant changes in selection policies characteristic of successive historical eras and presidents. The debate over Framers' intentions, which has appeared in a variety of approaches over the two centuries since the Philadelphia Convention, began with the Convention itself, although, as Abraham notes, no definitive answers were provided. For example, there was considerable discussion of the qualifications of prospective justices, but the Convention ultimately did not even require that a justice be a lawyer.

Chapter 5 treats the first decade under the new Constitution of 1789, the era of Jeffersonian Republicanism and the beginning of the transition to Jacksonian Democracy introduced by the critical election of 1828. The first such election, that of 1800, had introduced nearly thirty years of Jeffersonian Republicanism in the executive and legislative branches but not in the judiciary. Abraham deftly analyzes the paradox of Jeffersonian electoral success and judicial failure.

The four decades, 1829–1869, began in the emergent and ultimately ascendant Jacksonianism in all three branches of the national government, only to conclude after several ill-fated Supreme Court decisions in the overwhelming repudiation of a Democratic party tainted by allegiance to slave holding, the inept leadership of James Buchanan, and pro-slavery court decisions fanning the fires of sectional division. Dred Scott's fate not only sealed an individual's fate, but helped set in motion a bitter battle for the meaning of justice in America. Abraham depicts the nature and intensity of this seminal era as it influenced presidential nomination purposes and the dramatic changes in the characteristics of nominees before and immediately after the Civil War.

The most politically divisive historic periods were, as is well documented by Abraham, the most complex and controversial Supreme Court nomination eras. Thus, Abraham's seventh chapter, describing nominations from Ulysses S. Grant to William McKinley, is relatively placid in comparison to Chapter 8. The latter includes the judicial selection fights of the Progressive era as well as the problems confronting Herbert Hoover in the late 1920s. Similarly, the fundamental changes in judicial personnel and ideology of the New Deal era and the post-1968 Nixon and Reagan–Bush eras are assessed with sensitivity and mature insight. Four very useful and well organized appendices rate presidents and justices, the circuit by circuit succession of the justices, and provide essential demographic information about each court member.

In sum, the 1992 edition of *Justices and Presidents* is a splendid contribution.

JOHN R. SCHMIDHAUSER
University of Southern California

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Spin Control: The White House Office of Communications and the Management of Presidential News *by John Anthony Maltese. Chapel Hill, University of North Carolina Press, 1992. 297 pp. $29.95.*

In this peculiarly roiled presidential election year, John Maltese's examination of the ways in which recent White House occupants have tried to present themselves to the public would seem to be timely and relevant. And it is, perversely, as an example of how not to do the job.

Maltese begins his story with a newly elected Richard Nixon contemplating the shortage of his fans in the White House press corps. Nixon, of course, had spent most of his public life wondering what those expletive-deleted people were going to say about him next. There had to be a better way to get the Nixon message and the Nixon persona before the American people. The answer was to add a propaganda wing to the White House and call it the Office of Communications.

Like the campaign that had put him in the presidency, the office was the brainchild of the world of advertising and television. Not surprisingly, H. R. Haldeman, Nixon's chief of staff and a former J. Walter Thompson executive, was a vigorous proponent.

Another former ad man, Ron Ziegler, became press secretary; but to head the seemingly prestigious new office, Nixon chose an old and loyal friend, Herb Klein, once a San Diego newspaper editor. His great virtue was the respect he enjoyed among the nation's working press. Throughout his tenure, Klein was employed primarily as envoy to the enemy, creating goodwill and understanding among his journalistic friends as well as he could.

The serious business of the office—going over the heads of the press establishment to the public and to the bosses who paid the establishment—was left to people like Jeb Magruder and Charles Colson. Their machinations are meticulously recreated by Maltese from White House files, supplemented by personal interviews with most of the principals and other published materials. The office objective was simple: control the picture of the presidency presented to the American people by controlling the source of the picture. Thus, all cabinet members were to be clued in on the White House line, none was to deviate in public, and known press enemies were to be ignored when they could not be coopted.

Then came Watergate.

With Nixon gone, the Office of Communications disappeared beneath the wreckage, too, but not for long. Within a year it was re-created by President Gerald Ford to handle chores that Press Secretary Ron Nessen found burdensome. In truth, the office was seen as a necessary publicity engine for Ford's 1976 election effort. Obviously, it didn't succeed.

The next White House occupant, Jimmy Carter, dispensed with the communications office until 1978, when things began to sour so badly that he called on ad man Gerry Rafshoon for a spruce-up, and the Office of Communications was reborn. It couldn't bring home the Iran hostages.

No doubt the Reagan presidency represented the high water mark for the

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office, especially under David Gergen. Once the recession of the early 1980s was finessed, "morning in America" was not a hard sell for a super salesman.

The Bush presidency gets only postscript attention—mercifully. The bankruptcy of the idea of a propaganda wing in the White House has never been more evident than in the George Bush White House.

The notion of image control and agenda-setting, so deviously Nixonian a quarter century ago, stands revealed as naively delusional. Rapid change in the mass communications media has made a mockery of set-piece strategies and game plans. Radio talk-show hosts, television's intrusive personal interviewers, and supermarket tabloids now define the images of our public figures to a dismaying degree. A White House Office of Communications is hopelessly overwhelmed in this tide of simple-minded rhetoric.

Perhaps the message that emerges implicitly, if unstated, from *Spin Control* is that presidents can create a good public image by acting like presidents, not ad men.

JOHN J. SMEE
Fordham University

Over the Edge: The Growth of Homelessness in the 1980s *by Martha R. Burt. New York, Russell Sage Foundation, 1992. 265 pp. $29.95.*

Probably the most misunderstood and misguided public policy of the 1980s was that relating to homelessness. For over a decade rhetoric and anecdote have defined its causes, forcing government to respond to this crisis with some of the most ineffective policies ever implemented. Martha Burt's work is a long overdue departure from that route. Her analysis is based on a solid collection of data from over 147 cities nationwide. With a fresh breath, she examines homelessness not simply from the perspective of a need for housing, but as a direct result of increased poverty in the 1980s.

Burt begins by defining homelessness and then developing a predictive model to explain it through income and poverty levels, housing availability, changes in income support programs, and personal disabilities such as substance abuse and mental illness. She quickly rejects claims that "the homeless are just like you and me" or that "most people are just a paycheck . . . away from being homeless" (p. 21). In fact—contrary to common belief—Burt points out that the number of low-income subsidized housing units actually increased each year during the Reagan terms. What did change, however, was a policy shift away from the construction of new units to one of subsidizing existing units. The poor populated this housing leaving behind the most poverty stricken to fend for themselves in shelters and on streets.

Focusing on the economics of the problem, she argues that the reduction or eligibility changes in safety net programs at a time when their need was increasing

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reduced the less fortunate's ability to afford housing. Supplemental Security and Disability Incomes were reduced and qualifications tightened, while previously available day labor jobs disappeared, along with affordable single room occupancy and lodging housing. Without these previously self-supportive mechanisms for the mentally ill and substance abuse population, it was only a matter of time before they would become homeless. For these and other low income groups, the 1980s was a decade when incomes declined and their standard of living collapsed. The homeless became a visible symbol of how much worse poverty had become in America.

The model is then applied across a dichotomy of cities distributed by low to high growth and manufacturing rates, which takes into consideration the national economic changes begun in the 1970s and continuing in the 1980s. Relying on correlations and regression analysis, the data revealed a number of surprising results. In low growth cities, jobs are lost, and unemployment and poverty rates rise. Although housing is available, people cannot afford it. Where cities are growing with population and jobs, living costs rise, while the housing market tightens. Homelessness then becomes a Catch-22, as it obviously looms large in both environments. Surprisingly, a city's poverty rate had little effect on explaining the differences in homeless rates, while higher public assistance payments levels were positively associated with homelessness. Finally, Burt concludes that it is levels of unemployment and the availability of high paying blue collar jobs that best predict where homelessness will rise. At that point she strikes the heart of the issue.

With support resources drying up, individuals and families had to shift their available resources to other needs, making available housing less and less affordable; without safety nets homelessness was inevitable. The real theme here is that education, employment training, and jobs provide the answers to diminishing poverty merely cloaked in homelessness in America. Burt's work is a major first step at quantifying the parameters of a vastly misunderstood issue. Before a problem can be solved, it must first be understood; this work begins that process.

RALPH NUNEZ
Columbia University

The Chairman: John J. McCloy, the Making of the American Establishment *by Kai Bird. New York, Simon & Schuster, 1992. 801 pp. $30.00.*

The title refers to John J. McCloy's leadership of the American Establishment through much of the post-World War II era until his death on 11 March 1989. A major theme is that such an Establishment exists at the core of national policy making, an interlocking circle mainly of corporate lawyers and investment bankers who have propelled a sometimes reluctant United States into world diplomatic

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and military leadership. In this Establishment, Bird believes, McCloy "was the ultimate power-broker, a man who was virtually chief counsel to the American century" (p. 18).

Appropriately for such a figure of the American century, Bird portrays McCloy's career as a prototypically American rags-to-riches saga. Product of a Philadelphia boyhood in the socially unacceptable area north of the Chinese Wall—the Pennsylvania Railroad viaduct bisecting the central city—McCloy aspired to reach the right side of the tracks. With hard work and hard-earned family savings he made his way through Amherst College and Harvard Law School. He intended to return to Philadelphia but decided that he could never be fully accepted there. So he went to New York in 1921, becoming in time a partner in prestigious law firms largely serving investment bankers. Able as well as ambitious, he carved his niche among the elite.

His legal work also involved World War I German espionage, giving him a reputation as an expert on the subject. This connection led to his entry into the War Department in 1940, first as a consultant and then on 18 December as special assistant to the secretary of war, who was that other quintessential Establishment figure, Henry L. Stimson. Thus began McCloy's tenure as point man for the Establishment in government. After the war he returned to Wall Street as a partner in Milbank, Tweed, Hadley & McCloy; but in subsequent years he also became, among other posts, president of the International Bank for Reconstruction and Development, United States high commissioner of Germany, chairman of the President's Advisory Committee on Disarmament for John F. Kennedy, and general wise man for all presidents.

As a biographer, Bird displays admirable evenhandedness. For example, his judgment is deservedly stern on McCloy's part in the American failure to hinder the workings of the Holocaust. At the same time, he is exceptionally judicious in balancing criticism of McCloy's prominent role in the internment of Japanese-Americans with an empathetic appreciation of wartime feelings.

It is a problem, however, that Bird is not clear about what he believes has been the fate of the Establishment that forms so much of his theme. The Vietnam war badly strained the Establishment. McCloy himself was deeply ambivalent about Vietnam. On the one hand, Bird minimizes the damage that Vietnam and such ambivalence inflicted on the Establishment, saying that "the commitment to Vietnam was never important to the Establishment except as a symbol of America's willingness to fight the Cold War anywhere and everywhere," so that "[t]he influence of men like McCloy continued unabated" (p. 603). On the other hand, he depicts the aging McCloy in 1970 as feeling "his world crumbling because "[t]he bipartisan consensus on foreign policy issues that he had worked so hard to build in the aftermath of World War II seemed to have collapsed" (p. 617).

Nevertheless, Kai Bird has given us an excellent depiction of that Establishment in its heyday, and a superbly detailed biography as well.

RUSSELL F. WEIGLEY
Temple University

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Gubernatorial Leadership and State Policy *edited by Eric B. Herzik and Brent W. Brown. Westport, CT, Greenwood, 1991. 201 pp. $45.00.*

This informative collection of eleven essays examines the role of governors in policy making. Rightly or wrongly, governors are the focal point in state government. Yet, as the contributors to this volume remind us, even in a period of executive-centered politics, the governor is but one player in a complex game.

Essentially, the book has two parts. In the first section, the position of governors in the policy process is the focus. The second section examines gubernatorial involvement in five distinct policy areas. The lessons of the first part reverberate in the second part.

Donald Gross opens the book with the eminently sensible contention that in studying policy making, one should focus on "the structure of cleavages and coalitions within and among spheres of actors" (p. 6). Governors may occupy a central position in the policy-making process; however it remains an interactional endeavor. Raymond Cox argues that management style, defined as vision and agenda setting, shapes the gubernatorial policy-making role. "The litmus test of the governor is the policy initiatives he or she takes" (p. 66). However, in the chapter written by Mary Herzik, Eric Herzik, and James Granato, one learns that a neophyte governor does not jump immediately into the policy-making thicket. The transitional period is consumed by organizational concerns, public relations, and personal insulation. And, even when ready to begin, as Eric Herzik notes in his chapter, a governor's policy agenda is constrained by an assortment of perennial, cyclical, and transitory issues. According to Lee Bernick and Charles Wiggins, a governor's promotion of policy initiatives depends on four factors: formal powers, informal powers, personal proclivity, and environmental conditions. And although role definition affects gubernatorial policy success, it is not the sole determinant. In his chapter, Nelson Dometrius concludes that although many governors enjoy broad expanses of budget authority, state economic conditions, earmarked funds, and federal mandates mean that governors have few real choices in exercising that authority.

Some of the themes of the first section reappear in a substantive policy context in the second section of the book. The common element in the five policy chapters is the role played by the governor. Otherwise, these chapters vary in terms of research questions, methods, and insights.

Dennis Grady confirms that economic development is a top priority for governors, but "doing" economic development is difficult for most of them. Of the forty states in his data set, in only eleven are governors equipped to function as managers of the state economy. In a case study of education policy making, Dan Durning examines Governor Bill Clinton's efforts in Arkansas in 1983. Clinton's success in education reform can be attributed to a single policy goal, media use, a special legislative session, and deal making. Jerry Medler and Jeffery Berejikian employ dimensional analysis to locate voters in Oregon and California and their

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governors in environmental policy space. The analysis shows that governors land at different places vis-à-vis voters and each other. In examining Medicaid spending, Saundra Schneider finds that during the Reagan era, states with Democratic governors spent significantly more than states with Republican governors. Devolving authority to states and localities has allowed Democratic governors to become agenda setters in health care. Marilyn Dantico and Alvin Mushkatel look at the role of three western state governors in another issue in which the federal government is embedded: nuclear waste disposal. Each governor had a state-specific reason for taking the position he did on nuclear waste disposal. Yet they were able to cooperate to exact policy concessions from the federal government.

ANN O'M. BOWMAN
University of South Carolina

Avoiding War: Problems of Crisis Management *edited by Alexander L. George. Boulder, CO, Westview, 1991. 590 pp. Cloth, $59.95; paper, $24.95.*

Crisis management has been badly neglected in the international relations literature. This book, the culmination of Alexander George's longstanding concern with statecraft and crisis management, is a welcome antidote. It illuminates the dangers and obstacles faced by crisis managers and details the central considerations that should govern their decisions. It will not close the book on the topic, but it represents a major advance; anyone concerned with statecraft, diplomacy, and war prevention should read it.

The book contains twelve analytical chapters and twelve historical chapters written by a fine team of authors. The historical chapters are uniformly well done; many are the best short synopses of these cases now available. Those on inadvertent wars cover the Crimean war (Richard Smoke), World War I (Jack Levy), the Chinese-American war in Korea (Allen Whiting), the Arab-Israeli wars of 1956, 1967, 1969–1970, and 1973 (Christer Jönsson, Janice Stein, and Yaacov Bar-Siman-Tov), and the 1991 Persian Gulf war (Alexander George); those on crises ending without war cover the Berlin crisis of 1948–1949 (Steven Fish), the Cuban Missile crisis (Alexander George), and the Sino-Soviet crisis of 1969 (Arthur Cohen).

Among the analytic chapters, those by George are especially useful. He outlines twelve possible crisis-management strategies (five for states attempting to defend the status quo, seven for states attempting to change it). He offers a useful typology of varieties of inadvertent war that can emerge from mismanaged crises and enumerates the types of problems that can defeat efforts at crisis management. He also offers prescriptions for crisis management derived from his earlier writing on the topic. Some of the advice he offers—that non-verbal signaling of one's intentions is not enough; crisis managers should explain and justify their positions to their adversaries—is commonsensical. Nevertheless, such advice

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needs saying, as the historical cases covered here reveal striking incidents where it was ignored. Some readers may find George's list of prescriptions incomplete, but it is a good starting point.

Overall, this volume is an admirable effort to offer practical answers informed by a close study of history to questions of central importance. Future crisis managers would benefit from its analysis. In an age when much political science literature has sadly little real-world relevance, this book illustrates how the field can contribute to real-world problem solving.

STEPHEN VAN EVERA
Massachusetts Institute of Technology

From Revoluntionary Cadres to Party Technocrats in Socialist China *by Hong Yung Lee. Berkeley, University of California Press, 1991. 453 pp. $48.50.*

This comprehensive and systematic examination of elite transformation in China is of major importance for students of comparative politics as well as of the People's Republic. Lee synthesizes key theories and concepts on postrevolutionary regimes, bureaucracy, and modernization, juxtaposing this material against close empirical analysis of the Chinese case. In addition, his detailed reconstruction of developments over the past twenty-five years clarifies the complex political struggles and demonstrates their impact on policy in Beijing.

Lee demonstrates the linkage between personnel and operation of the political system at successive stages beginning with the Cultural Revolution of 1966–1976 and culminating in the economic modernization reforms from 1978 to the present. He eschews the conventional concentration on individuals (Mao Zedong versus Deng Xiaoping) and factions (radicals versus conservatives). Instead he focuses on the recruitment, purge, and retirement of individuals at all levels of party and government as the result of conflict at the highest level.

The fusion of party and state required the manipulation of massive amounts of data, yet the analysis is presented in a coherent manner. The chaotic changes during Mao's final decade are admirably clarified on the basis of subsequent revelations, particularly with respect to the machinations of Lin Biao and the Gang of Four. The virulence with which they found the establishment suggests more personal ambition than is manifest in Lee's rationality model of divergent policy goals. However, his analysis of the impact on personnel and policy in the transition to economic modernization is wholly convincing.

Lee's delineation of situational groups—specifically the beneficiaries, the victims, and the survivors of the Cultural Revolution—as key components in the political struggle challenges conventional conceptualization based on Western political systems. The transformation of outlook from diehard communist revolutionaries to born-again reformers is made credible despite their age and the necessity for repudiating Mao's cherished ethos. This analysis logically forecasts

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the probability of continued reforms in the post-Deng period, given the wholesale replacement of the first and second generation cadres with a third generation recruited on technological, not ideological grounds. However, Lee points out that economic success is not assured so long as the party-state fusion prevents outside interests from influencing policy. Yet separating 48 million party members from the power and privileges that come with bureaucratic authority is a difficult task, especially in the absence of a charismatic leader capable of overcoming vested interests.

The book is well organized to serve different audiences. A comprehensive conclusion addresses comparative politics concerns with a minimum of Chinoiserie and can be read separately. The central chapters are indispensable for the student of contemporary China. More historical background could have been added for the newcomer, making intelligible references to events better known to established Sinologues. But for clarity and comprehensiveness, this volume represents a genuine breakthrough in political analysis, as well as historical understanding of the People's Republic.

ALLEN S. WHITING
University of Arizona

Political Parties and the Winning of Office *by Joseph A. Schlesinger. Ann Arbor, University of Michigan Press, 1991. 248 pp. $37.50.*

This book is a product of a professional lifetime of studying, thinking, and writing on political parties and the particular dynamics that distinguish their behavior and explain their operations. It builds on Schlesinger's previous writings, although it goes significantly beyond these in developing the ideas presented, in integrating these into a broader and more coherent set of theoretical propositions, and in explicating and demonstrating the utility of empirical indicators applying many of the core concepts central to the theory.

The book is an innovative, highly original, and compelling treatment of the American parties, with applications explored as to how these same conceptual approaches can be used in cross-rational research. The study of political parties is not noted for the theoretical richness of its research. An exception to the generalization has been the continuing work of Schlesinger, with this book representing his most comprehensive and intellectually challenging contribution to date. Few authors or publications compare to this work. It should stand as a cornerstone for the study of political parties for decades to come.

It is not an easy book to read, nor are the complexity and sophistication of its arguments quickly summarized. For those who know Schlesinger's work, the initial assumptions should be familiar. He employs a rational choice theoretical perspective, one that provides parsimony while maximizing an understanding of

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institutions that do not fit any standard conception of bureaucratic organization or operation. Political parties are office-seeking instruments; they want to win elections in order to exercise power. Consequently, they are dominated by and structured around the needs and ambitions of elective office seekers.

They are also market-based organizations. "Elections are a type of political market, in which parties offer their candidates and their policies in exchange for the votes needed to gain office. In this market, parties gain what is surely their key resource, control of public office . . . the political market evaluates the output of the political party openly, automatically, externally, and with exquisite numerical precision" (p. 12). And "market goals dominate their [the political parties'] decisions . . . the maintenance of the organization is closely tied to success in the market" (p. 13).

These are the building blocks of Schlesinger's theory. He goes on to examine the distinctive structure of the party organization, the nature of its collective outputs, and the direct and indirect rewards it offers participants, all aspects of the unique properties that characterize political parties. He also develops the impact of political ambitions and the structure of political opportunities and electoral arrangements on party capabilities. In this context, Schlesinger introduces empirical indicators for the concepts being used that illustrate the relevance, for example, of opportunity rates and competitive electoral structures for explaining political parties' behavior.

Schlesinger concludes by looking at the "changing multinuclear party" and the implications of his theory for comparative research. He argues that since the 1960s both American parties have become both more electorally active and more national in scope and that there is more partisan cooperation among officeholders in government (as measured by the voting cohesion scores of the parties in the House of Representatives). "Greater cooperation among partisans in the government phase is exactly what the office-seeking theory leads us to expect when the structure of electoral competition is highly competitive" (p. 199).

The comparative potential of the theory is demonstrated through the construction of a typology of parties based on officeholders' age and career paths for five western democracies. The organizational characteristics and competitive opportunity structures that contribute to an understanding of American parties should also help explain the differences in operations and organization of political parties in other democratic nations.

Schlesinger's emphasis on rational theory does not deny that parties perform a variety of political functions, nor does it deny the importance of party contacts with voters, interest groups, campaign consultants, activists, and the like. The assumption is that these are by-products of the parties' main concerns or intermediate linkages needed to achieve their goals.

This book can serve as an integrated theoretical perspective for explaining political party operations. It can be viewed also as a thematic overview of much of the contemporary conceptualizing on parties presented in an original context.

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However it is seen, it is one of the most important books on political parties to appear in the last generation.

WILLIAM CROTTY
Northwestern University

American Citizenship: The Quest for Inclusion *by Judith N. Shklar. Cambridge, MA, Harvard University Press, 1991. 120 pp. $17.95.*

What does citizenship mean? What is important or valuable about being a citizen? Judith Shklar argues that these questions are best explored not in the light of abstract ideals but in specific historical and political contexts. So she aims to investigate the meaning of American citizenship. In America, Shklar says, citizenship has been about standing, one's position relative to others. She emphasizes the contrast between professed American ideals of equal citizenship and the idea of standing, which depends upon exclusion.

Shklar stresses that one form of exclusion has shaped all the rest. From the beginning of the republic the contrast between slave and citizen has been fundamental: "black chattel slavery stood at the opposite social pole from full citizenship and so defined it" (p. 16). Analogies with slavery informed the rhetoric and the fears of those who were excluded in other ways. Lesser standing was particularly tied to exclusion from two activities: voting and earning.

Shklar argues that the successive demands by poor whites, freed blacks, and women for suffrage were fundamentally struggles for recognition. In a society based on democratic principles, exclusion from the franchise on the basis of wealth, race, or gender was inevitably stigmatizing. Getting the vote was a crucial way of getting respect. Of course, many of the formerly disenfranchised or their descendants don't vote. That is regrettable, says Shklar, but not entirely surprising: "It was the denial of the suffrage to large groups of Americans that made the right to vote such a mark of social standing. . . . Not the exercise, only the right, signified" (p. 27).

Not only voting, but also earning, has long been crucial to one's standing as an American citizen. Shklar traces the history of the "model of the independent citizen-earner" (p. 64) from its roots in Jacksonian America to the present day. Again, the contrast with slavery was central to the standing that earning conferred. Slaves worked hard but not "for a living." Long after the abolition of slavery, however, the work ethic has endured. "Not to work is not to earn, and without one's earnings one is 'nobody'" (p. 92). Shklar concludes by arguing that because earning is still so central to one's standing as an American citizen, "providing opportunities for work to earn a living wage for all who need and demand it" ought to be a top priority for our polity (p. 99).

This brief summary does not do justice to the elegance or insight of these

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essays. As always, one learns from reading Shklar. Still, I was left puzzled about how Shklar intends these essays to inform our thinking about citizenship today. She criticizes recent advocates of a more active conception of citizenship, one drawing on civic republicanism, for their remoteness from the society in which they live. "Neither Supreme Court opinions . . . nor the writings of other philosophers, however distinguished, can act as a substitute for a genuinely historical and politically informed understanding of what citizenship has been and now is in America" (p. 9).

This emphasis on the importance of history for theory sounds to me like the sort of approach that might be congenial to Michael Walzer, who has argued that political theory and social criticism should start from the shared historical understandings of a political community. Some of Shklar's arguments seem to fit well with this interpretation. For example, she criticizes the extension of the vote to eighteen-year-olds in 1971 on the grounds that it did nothing to enhance their standing (in contrast to previous extensions of the franchise to excluded groups). One (Walzerian) way to read that criticism is to say that the extension to eighteen-year-olds did not respect the social meaning of the vote as a mark of standing for the groups who obtained it.

But Shklar explicitly disavows the link to Walzer, not only in the acknowledgments where she dedicates the book to him while stressing their "deep disagreement," but also where she sharply criticizes the link between earning and standing as "irrational and unfair," saying that the deeply entrenched character of this belief does not endow it with "any moral worth" (pp. 98–99). She adds, "To reveal the unfulfilled promises of traditional ideologies is certainly not the only significant form of social criticism, nor is it usually the most appropriate."

The rejection of Walzer's approach could not be more explicit, but then why did Shklar criticize the advocates of civic republicanism for not paying enough attention to what citizenship has meant to Americans historically? Even if Shklar is right about what the historical understandings have been, why can't the civic republicans reject them as inadequate from a deeper philosophical perspective?

Or consider the extension of the vote to eighteen-year-olds. If social meanings have no moral claim, why was it wrong to extend the vote? Why does it matter that previous extensions of the franchise granted standing to excluded groups and this one did not? The arguments for extension were relatively straightforward democratic claims about competence ("Old enough to fight, old enough to vote") and participation ("You shouldn't have to fight when you have no say about whether there's war or peace"). Shklar says that there were good arguments against the extension but doesn't tell us what they were.

In sum, the book provides an excellent interpretation of what American citizenship has meant historically but not enough guidance about how this sort of historical understanding ought to inform contemporary theories of citizenship.

JOSEPH H. CARENS
University of Toronto

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Transforming Free Speech: The Ambiguous Legacy of Civil Libertarianism *by Mark A. Graber. Berkeley, University of California Press, 1991. 336 pp. $39.95.*

This fascinating and well documented study of freedom of speech challenges a number of dominant assumptions in the field and suggests that it might be time to reconceptualize free speech issues. Graber argues that long before the modern civil libertarian tradition developed, conservative libertarians like Thomas Cooley, Christopher Tiedeman, and John W. Burgess had vigorously defended freedom of speech and had tied it to the same individual autonomy that served as a basis of their defense of property rights. Indeed, not only had conservative libertarians actually favored wider protections of speech rights than did later liberals, but they had earlier advocated incorporating such rights into the due process clause of the Fourteenth Amendment.

With the Progressive Era came pragmatism and sociological jurisprudence, both philosophies rejecting the notion of individual rights and proclaiming social interests over individual interests. Advocates of these views also argued that legislators could better weigh such interests than could judges. While progressives like John Dewey, Jane Addams, and Louis Brandeis expressed strong commitment to freedom of speech, others, sometimes motivated by their interest in national assimilation, elevated state interests in national unity over individual speech interests and argued "that the freedom of speech had no higher constitutional status than the freedom of contract" (p. 88). Oliver Wendell Holmes, Jr. is often cited as a strong advocate of speech, but Graber argues that his clear and present danger test did not adequately protect speech and that in speech as in other areas Holmes deferred to the judgments of legislative majorities. Graber credits Louis Brandeis with a stronger commitment to speech, but a commitment (inconsistent with his larger views) that relied on accepting judicial protection for both property and speech rights.

If any individual has influenced the study of free speech, it was Harvard Law Professor Zechariah Chafee, Jr. Graber both acknowledges and calls into question Chafee's transformation of the defense of freedom of speech along the lines of pragmatism and sociological jurisprudence. Graber says that in transforming First Amendment freedoms Chafee also distorted the record, suppressed evidence, and perverted history, thus obscuring the contributions of earlier conservatives and making it seem that the only justification of free speech was an instrumental one. Later seizing on Justice Harlan F. Stone's footnote four in the *Carolene Products Case* (1938), Chafee argued that the judicial defense of free speech could be divorced from the judicial protection of property rights. Chafee's stance was reinforced by scholars like Alexander Meiklejohn and Thomas Emerson.

Graber believes that the triumph of the current civil libertarian view has had a negative side, obscuring the way that speech can be limited by lack of financial resources and by the near monopolization of the mails and other media by those

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with wealth. Defenders of speech still refer primarily to questions of subversive speech that, in Graber's judgment, lack the contemporary significance of issues like campaign finance and access to news sources.

Graber hopes in a future work to reconceptualize speech issues utilizing Michael Walzer's view that success in one area of life should not necessarily be translated into others; thus, economic success should not ipso facto lead to effective speech or political clout. Like those he critiques, however, Graber does not think it is possible to return to the view that dates to the American Founding and earlier, namely, one that grounds freedom of speech in individual liberty and accountability. In this reviewer's judgment, at least, this precludes a very fruitful line of inquiry.

JOHN R. VILE
Middle Tennessee State University

The Presidency of John F. Kennedy *by James N. Giglio. Lawrence, University Press of Kansas, 1991. 334 pp. Cloth, $29.95; paper, $14.95.*

It is possible to write a good book about John Kennedy, but it is impossible to write one that is generally acceptable. This is because the literature has created at least four different JFKs. One is the shining knight of Camelot. Another is the insatiable tomcat who lusted after women. The third is the victim of one of a number of imaginary conspiracies to assassinate him. Finally, there is the real Kennedy, a serious, hard-working, bold, and imaginative president who tried to confront many important and difficult issues of foreign and domestic policy. James Giglio's tastes extend to all these Kennedys simultaneously, and since several are mutually incompatible and/or are irrelevant to the the JFK presidency, the quality of the book suffers.

The volume is in the University Press of Kansas American Presidency Series. The editors tell us that the works are to be "interesting" and "interpretive" and to fall "between biographies, specialized monographs, and journalistic accounts." The sources will be "the best in pertinent secondary literature." Giglio has been somewhat more energetic than this suggests and has used primary materials in the JFK Library, but sparingly. The trouble is that he has relied almost entirely on the oral history collection. Such recollections, often recorded many years after the events, can be useful for limited purposes, but have many shortcomings. They are often self-serving, slanted, or superficial; and they invariably reflect deficiencies of the human memory. One must use them with care and check them against the most basic primary sources, written documents.

The secondary literature on the Kennedy presidency is heavily skewed in favor of foreign over domestic policy (excepting civil rights) both in quantity and

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quality. That fact is evident in this book, which is much stronger on international issues. Giglio provides reasonably full and balanced accounts of the crises over the Bay of Pigs, Laos, Berlin, and the Cuban missile crisis. He skimps some on the nuclear test ban treaty, which deserves more coverage than he gives it.

Giglio addresses the intriguing "if" question: had Kennedy lived, would he have gotten us into the Vietnam war? But his answer is hardly interesting. "It is difficult to conceive of his pulling out of Vietnam without a reasonably honorable settlement. . . . It is equally hard to imagine Kennedy carrying escalation to the extremes that Johnson did" (p. 254).

Except for civil rights and agricultural policy, which are on a par with his treatment of foreign affairs, Giglio's performance on domestic issues is seriously inadequate. He hardly bites into such important questions as economic policy, Medicare, and federal aid for education, all fundamental questions in the early 1960s. Thus his conclusion is suspect: "Kennedy indeed fell far short of accomplishing his domestic objectives" (p. 286).

Giglio's discussion of the assassination would have been better left unwritten. Much of it is flatly untrue: that the Warren Commission was "too intent on quenching rumors and allaying suspicions of conspiracy"; that the commission felt pressure from "President Johnson to prevent the assassination from becoming an issue in the 1964 presidential campaign" (p. 277); that "J. Edgar Hoover represented the greatest influence on the commission"; that the "Warren Commission conducted an inquiry that validated the establishment's prejudgments" (p. 278). Amazingly, Giglio in his notes does not even cite the Warren Commission report, to say nothing of the massive collection of supporting documents. This oversight leads him to the absurd conclusion that "the available evidence favors a conspiracy" (p. 280).

Given the weakness of the competition, *The Presidency of John F. Kennedy*, with all its shortcomings, may be the best short book available on its topic. Those who know little or nothing about JFK will learn a good deal from it. Some will be incorrect, such as calling Walt Rostow "Walter" and Tom Wicker "Thomas."

IRVING BERNSTEIN
University of California, Los Angeles

The Cold War Legacy in Europe *edited by Otto Pick. New York, St. Martin's Press, 1992. 146 pp. $49.95.*

This book began as the eighteenth annual conference of the Standing Conference of Atlantic Organizations (SCAO), which was founded in 1973 to provide a forum for nongovernmental organizations concerned with transatlantic relations. The conference met in July 1990 in Fontainebleau. Needless to say, the conference papers were given in a time of great flux in Europe, hard to analyze with assur-

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ance, and were then quickly overtaken by yet more and greater unexpected events—above all the demise of the Soviet Union. Despite (according to Pick) several rounds of revisions, this collection of analyses should not and cannot be read as up-to-date background to today's newspaper, rather for the fundamental, durable insights of this group of experienced observers. There are enough to warrant some research libraries paying fifty dollars for a 146 page book, which is apparently the publisher's modest expectation.

The main point of the collection is that "instability is the principal legacy of the Cold War in Europe." Pick emphasizes that instability is not necessarily a cause for despair, that it is in fact inevitable, since "change cannot, by definition, be stable." Overall, "the omens are hopeful" he affirms, as did most of his contributors (p. 6).

There are three papers concerned with the politics and economics of German unification—by Frank Roberts, Hanns W. Maull, and Hans-Ulrich Brautzsch. Simon Lunn, from 1983 to 1988 head of the Plans and Policy Section at NATO, writes on that organization's future. Willem van Eekelen, secretary general of the Western European Union (WEU) since May 1989, contributes on the WEU's evolution and its relation to NATO and the European Community (EC). Michael Brenner and Christopher Coker write on America's European role and the issue of conceiving the European security architecture. Jiri Stepanovsky and Livia Klausova write on Eastern Europe and the Czech case in particular, while Walter Goldstein contributes a concluding analysis on the limits of European choices over the long haul.

The chapters by Lunn and van Eekelen, perhaps because of their insider expertise, pose problems that continue to focus the NATO/WEU debate following the decisions of the EC's Maastricht summit. As Lunn says, the issue is, in short, "who will do what" (p. 20)? There is a problem of potential financial and military "duplication of effort that is neither necessary nor desirable," and, as they and other writers in the volume indicate, there is also the overarching dilemma of how to relate the United States to European security. Walter Goldstein argues quite directly in his conclusion that "the EC cannot afford its own autonomous security" (p. 135).

This depends, obviously, on what the threats are, or will be, or will be perceived to be. It is easy enough today to acknowledge that the military threat to NATO Europe is gone and yet to argue NATO should be preserved in some form as a residual guarantee. But what if in ten or twenty years there is still no basic threat to Europe?

This volume is a useful collection of expert views on the post-cold war European situation. It is a snapshot in time, taken at a time when the object of study was in full movement, recognizable but blurry.

RONALD TIERSKY
Amherst College

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Buildup: The Politics of Defense in the Reagan Era *by Daniel Wirls. Ithaca, NY, Cornell University Press, 1992. 247 pp. $31.50.*

According to Daniel Wirls, American politics is essentially a struggle for position and power, policy initiatives are pawns in this partisan struggle, and the national security policy of the United States is its by-product. Politicians devise policies to enhance the strength of their faction and use them "to mobilize constituencies and to undermine opposing politicians and coalitions, with the domestic consequences often far more profound than any international impact" (pp. 7–8).

Wirls emphasizes two of these struggles: the conflict between conservatives and liberals, and the conflict between Congress and the administration. He then examines the origins and development of three policy proposals—the Strategic Defense Initiative (SDI), the nuclear freeze, and procurement reform—from the standpoint of these conflicts.

Most of what Wirls says is presented with clarity and fluency. Much is interesting: for example, that many of its members joined the congressional military reform caucus because they wanted to support economy in government but didn't actually want to cut spending. Nevertheless, I have reservations about this book.

Wirls claims to be a realist, but his story often reads like a morality play, with opponents of the freeze and proponents of SDI playing the part of Vice and their opposites Virtue. This framework makes for an entertaining tale—at the expense of plausibility. Not all liberal politicians are activists (or sellouts), and some conservative politicians are scrupulous ideologues. Surely there were those on both sides of the freeze debate in Congress who saw it as an exercise in political theater, designed to attract the support of radical activists (who often dominate local primaries), just as there were those on both sides who sincerely believed that its outcome was crucial. To claim otherwise is a misreading of E. E. Schattschneider, one of the few students of domestic politics Wirls cites and whose disciple he declares himself to be.

Moreover, Wirls's framework requires the antagonists to be roughly equal in strength. This results in some questionable conclusions: that SDI was "a political end run around the peace movement and its political allies, who threatened the administration's power" (p. 154), for instance. This assigns far more political clout to the peace movement than it deserves.

It also encourages Wirls to treat the Reagan administration's claims of accomplishment in the field of military affairs with visible disdain. Even if those claims were entirely spurious, it would still be bad manners to dismiss them without the appearance of a fair hearing. Moreover, anyone inclined to credit the administration's claims will probably interpret Wirls's manners as proof of bad scholarship.

Wirls's focus is arguably awry. He looks at the trees rather than the forest, at the process of formulating policies rather than at the policies themselves. These latter can often be explained using fairly simple models. For example, Congress and the Pentagon debate the budget piecemeal. Their battles generate a lot of

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sound and fury, but their significance may be more apparent than real. If one looks past individual items to their sum, the defense budget turns out to be a simple additive function of the previous year's budget, various macroeconomic variables, public opinion concerning defense spending, the level of perceived Soviet threat, and the level of armed conflict. Contrary to the fundamental premise of this volume, these models show that the Reagan buildup was not especially exceptional.

The point is that the endless trench warfare over defense policy may not matter that much—except to the participants and their victims. When reality changes, so does policy. Could it be that the politicians are the pawns and not their policies?

FRED THOMPSON
Willamette University

Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s *by Ronald P. Formisano. Chapel Hill, The University of North Carolina Press, 1991. 323 pp. Cloth, $34.95; paper, $12.95.*

This is a sensitive, compelling account of the failure of forced busing in Boston. Formisano's central thesis is that white resistance to forced busing is a form of reactionary populism characterized by fierce class resentment and a strong sense of injustice. In illustrating his thesis, Formisano poignantly describes the tragedy that affected thousands of working-class whites in Boston in 1974. These were people whose fondest memories would normally be of the years they spent in their local high school: women who would typically talk for the rest of their lives about the joys of their high school social lives; men who wore their letter jackets their entire adult existence. They and their children were robbed of such memories by a court order widely viewed as tyrannical and brutish; they fought back in kind.

Their sense of injustice was accentuated by the fact that in the North, even in Boston, school segregation was almost completely the result of residential segregation, not of government laws or school board actions. There is a big difference in the minds of most people between causing segregation (which the School Committee did not do) and preventing desegregation (which it did do). Formisano is confused on this point. This book also makes the error of others in its genre in attributing Boston's reaction to desegregation almost entirely to what are thought to be unique characteristics of the city—its working class, ethnic "defended neighborhoods" ringed by white suburbs, a history of political campaigns against the Massachusetts Racial Imbalance Act, etc. As a result, Formisano comes to a startling conclusion that contradicts everything preceding it—the desegregation plan that ruined so many lives should have gone further! He concludes that it would have been successful if local leaders had been support-

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ive (but never explains how to get support for massive, forced busing plans), if the courts had been more forceful (after spending 200-plus pages describing more authority being exercised than by any other court in the land), and if the suburbs and private schools had been included. It is because the most important cause of the protest and white flight is barely touched on that Formisano draws this unsupported conclusion.

In fact, the Boston desegregation plan caused more violence and protest than any other plan of the 1970s primarily because it was the most extensive ever implemented. Because of the insensitivity and arrogance of the judge's experts, Robert Dentler and Marvin Scott (who like everyone else implementing this plan lived in lily-white suburbs), reassignments continued year after year. Students were forcibly moved from a school they had been assigned to and attended in a previous year in order to produce slightly better racial balance in another school in the next year. No other desegregation plan in the United States was characterized by such sweeping annual reassignments affecting entire neighborhoods.

This would produce the right environment for protest in *any* community from which there was no escape. Because protest is a form of deviant behavior, it is manifested when there is a critical mass with the same grievance. Thus, the greater the mandatory reassignments, the greater the protest. Mandatory reassignment plans that include the suburbs are not the answer. In the South, where virtually all desegregation plans in the 1970s were metropolitan, there was always massive white flight. That there was also less violence is attributable to the fact that these plans were much less extensive than Boston's in their racial balance goals and reassignments, a fact the author seems unaware of. Other than this conclusion, I found the book to be insightful, informative, and very much worth reading.

CHRISTINE H. ROSSELL
Boston University

The New Aging: Politics and Change in America *by Fernando M. Torres-Gil. Westport, CT, Auburn House, 1992. 224 pp. Cloth, $45.00; paper, $15.95.*

Fernando Torres-Gil peers into the future and urges a change in the way we view old age. His book is, in the words of Arthur S. Flemming (who wrote the foreword), "provocative, informative, and prescriptive." It provides an excellent overview of the current aging policy system, its successes and failures, and its deficiencies in the face of demographic and economic trends.

The era of the New Aging has already begun. It follows the Young Aging (pre-1930), which predated separate old-age policies and retirement on a mass scale, and the Modern Aging (1930–1990), when age-segregated programs evolved and the elderly became a major political interest group. Three forces shape the

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New Aging and distinguish it from previous periods: generational claims upon government, increased diversity within the aging population, and longevity.

The baby boom generation receives special attention, since its members will begin to swell the ranks of retirees early in the twenty-first century. The boomers "have become the most age-segregated generation of the century" (p. 129); they have been socialized to expect age-based benefits, and their numbers make them politically powerful. Proponents of the generational conflict theory urge reductions in old-age benefits that, they argue, drain resources from younger needy groups and deplete available resources for future retirees. Torres-Gil criticizes these "gero-revisionists" for their zero-sum view of social welfare policy, which "fed off the 'Darwinian' nature of the 1980s" (p. 86). At the same time, he acknowledges their contribution to helping us reassess the current system in view of changing realities. He also discusses reasons why generational tensions may indeed be expected to escalate.

As longevity increases, Torres-Gil questions whether we can afford age-segregated entitlements for much longer. He favors the social insurance approach and advocates expanding it to cover health care and other areas. Entitlement eligibility age should be raised and early retirement discouraged. Older people should be viewed as a national resource, not as a social problem, and policies that encourage flexible and fulfilling late-life work would take advantage of that resource.

The current aging policy system has not served the neediest older people well, even though the status of the elderly as a group has improved a great deal. Current piecemeal policies driven by interest group pressure are inadequate for an increasingly diverse older population. Torres-Gil envisions the replacement of horizontal age-based alliances by vertical alliances uniting old and young on the basis of economic, racial, ethnic, and other shared characteristics. He notes that affluent white retirees may be supported increasingly by a work force of poorer young minorities. Since immigrants keep the median age lower and provide labor and tax revenues, "baby boomers may be the first generation to vote for increased immigration" (p. 138).

The author goes a bit far afield toward the end when he recommends, in passing, some more general reforms to the political system without discussing their implications. These include, for example, the line-item veto and term limitations. (Having criticized several Reagan administration policies, does he really want reforms that would greatly strengthen the hand of the presidency?) But his primary ideas for reforming the aging policy and social welfare systems, which form the core of the book, are carefully researched and thoughtfully considered. The book is highly recommended for graduate-level courses in social welfare and aging policy; it is also very readable and sufficiently nontechnical for undergraduate use.

CHRISTINE L. DAY
University of New Orleans

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Democracy at Work: Changing World Markets and the Future of Labor Unions *by Lowell Turner. Ithaca, NY, Cornell University Press, 1991. 279 pp. $24.95.*

We who mourn the decline of the U.S. labor movement and search for pathways to a more positive future will learn much from this book. The author's central argument is that economic stagnation, global competition, and rapid technological change have shifted the focus of union work from negotiating economic issues to the reorganization of the workplace. His detailed examination of how unions deal with this issue focuses primarily on the United States and Germany, and on the automobile industries in both countries. To test and generalize his analysis, he also looks at telecommunications in both countries and at the state of industrial relations generally in Britain, Italy, Sweden and Japan.

Unions cannot evade the challenge of engaging management in reshaping the organization of work. They can do this successfully in some cases: retaining and even increasing their numbers and strength; playing a proactive, worker-friendly role in the process of change; protecting jobs, skills, and earnings. Neither traditional adversarial opposition to change nor subordination to employers' initiatives constitutes success. Rather, union initiatives based on union strength in the workplace, linked to a strong, unified labor movement and protected by comprehensive statutory and legal provisions are the pathways to successful adaptation to the new economic and technological realities.

While U.S. unions lost strength, those in Germany and Sweden retained and even increased their numbers and effectiveness. The United Auto Workers (UAW) in the United States engaged in a wide range of efforts to protect their members and limit management's push to Japanese model "teams." But IG Metall in Germany (the strongest of the sixteen unions constituting the DGB, Germany's central union body) demonstrated its ability to shape the workplace proactively, to seize and retain the initiative, and to compel even resistant managers to conform to union priorities: no job loss, no downgrading of skills, voluntary participation in work groups, longer job cycles, and no diminution of the negotiating power of the works councils. IG Metall's experts and consultants developed their own versions of how groups would be organized and operate, and the union put them in.

Even in apparel, where employment and union strength have been drastically eroded in the United States, the Germans, with even higher import proportions than in the United States have managed to increase union density, increase wage levels, and negotiate social protection for displaced workers. In telecommunications, where technological change has transformed work processes, the German union successfully negotiates control over the pace of change, retraining and redeployment options for workers, protection and improvement of working conditions, and better job redesign. In the United States the Civil Work Administration (CWA) plays primarily a reactive, protective role, with varying results.

The key to success in Germany and Sweden is in the legal and institutional

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framework established long ago. German law mandates elected works councils, ensures a supply of young and skilled workers, imposes major costs on employers who lay workers off, and requires consultation between labor and management on a wide range of issues. U.S. labor law falls far short. Thus, when Reagan in 1981 fired striking air traffic controllers, employers were free to introduce anti-union and anti-organizing programs with devastating effect and virtually no legal inhibition. By contrast, Chancellor Helmut Kohl's pro-business government elected in 1982 left intact the tripartite structures of decision making, which are the essence of Germany's industrial relations system.

There appears little likelihood that even a Democratic administration in the United States would be able, even if willing, to attempt a transformation broad and deep enough to change the ground rules. Nor do U.S. unions show signs that the ninety autonomous members of the AFL-CIO will consolidate, merge, and unify their strength in response to the continuing hemorrhage that has shrunk membership to levels reminiscent of the 1920s. In this respect, while the author's explanations are persuasive, he is no wiser than the rest in pointing the way to a different balance of forces in the workplace, the economy, and the political system.

SUMNER M. ROSEN
Columbia University

The President as Interpreter-In-Chief *by Mary E. Stuckey. Chatham, NJ, Chatham House, 1991. 192 pp. Paper, $14.95.*

In this comprehensive summary of presidential rhetoric from Franklin Roosevelt through the first half of the Bush administration, Mary Stuckey analyzes each president's use of language in the context of the demands of the communication technologies of his time. The author's entertaining illustrations aptly convey the importance of storytelling as a principle form of presidential communication.

Television is portrayed as the major force altering presidential communication in the twentieth century. Among other effects, television is claimed to have impoverished political understanding, discouraged policy discussion, simplified presidential images, and reduced presidential rhetoric to a series of advertising slogans. Although the author makes occasional statements to remind the reader that her thesis is not so simplistic as to blame television for all that ails presidential communication, the book leaves the lingering impression that these are well documented historical changes and that they are technology- or, more specifically, television-driven. She notes, for example, that the "medium of communication, interacting with historical and social pressures, influences presidential decisions about what to say and how to say it" (p. 1). But it is television that is the focus of these criticisms, while the other historical and social influences go

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unspecified. Good television is described as "ever more important to—perhaps synonymous with—good governance" (p. 113).

The book is well organized and easily digested. Two presidents illustrate each era in the evolution of presidential communication. Thus Roosevelt and Harry Truman illustrate the beginning of "mass-mediated and personalistic politics"; Dwight Eisenhower and John Kennedy show the "dominance of personality as opposed to character"; Lyndon Johnson and Richard Nixon, "a new emphasis on image management and information control"; and Gerald Ford and Jimmy Carter, the failure to use television successfully. Finally, Ronald Reagan and George Bush are portrayed as the "masters of televised politics" (pp. 8–9).

Although Stuckey's points are well documented, it is difficult to discern the basis on which she attributes to presidents great success as presidential communicators. Is successful presidential rhetoric that which we ascribe to presidents with great public popularity, regardless of its origins? Or is it based on post hoc assessments of their legislative accomplishments, or on a gradually evolving historical consensus?

The chosen standard is important, because these definitions of success do not always coincide; nor have they been equally important goals to all presidents across these historical periods. For example, Stuckey credits Reagan as the first American president to have truly mastered television. This assessment coincides with popular perceptions of Reagan's presidency and with his policy successes. But as many recent observers have noted, his reputation as the Great Communicator was not corroborated by his poll ratings.

In short, Stuckey does an excellent job identifying the nuances that characterize each president's rhetoric; her definitions of rhetorical success and her inferences about the rhetorical causes of presidential success or failure should be both interesting and controversial to a wide range of scholars interested in the changing nature of political communication.

DIANA C. MUTZ
University of Wisconsin–Madison

Knowledge, Power and the Congress *edited by William H. Robinson and Clay H. Wellborn. Washington, DC, Congressional Quarterly, 1991. 255 pp. Cloth, $30.95; paper, $19.95.*

If, as the old joke goes, "a camel is a horse designed by a committee," this edited collection of essays and comments is clearly a two-humped Bactrian camel. The selections, originally commissioned for a bicentennial symposium on Congress sponsored by the Library of Congress, vary considerably both in terms of focus and content. While there are a fair number of intellectual and substantive gems spread throughout the essays, many of the best segments have little to do with the intended thrust of the book. The lack of continuity means that the general theme often gets lost.

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While substance should override form, sloppy copy editing that allowed a sentence reading in its entirety, "Knowledge inthe ", shakes one's confidence in the substance. James MacGregor Burns might also like to know that he has been rechristened "Byrnes," both in an essay by Speaker Tom Foley and in the index. For a book aimed at the scholarly community more than the general public, Congressional Quarterly Press needs to take more pains to make its books as credible as its other publications.

In terms of substance, a few essays stand out. Alan Schick distinguishes between ordinary knowledge and more systematic and unbiased policy analysis. Through a series of case studies, he argues that ordinary knowledge often wins out in the battle over policy. Ernest May reminds us that having the facts is not the same as being knowledgeable and makes a strong argument in favor of less government secrecy. Nathan Glazer points out that government programs are often evaluated on the basis of narrow measurable criteria, which begs the question as to whether they help solve the real problem. Denis Healy provides a useful and quite quotable summary of the general differences between the parliamentary and the presidential systems.

In a number of cases, the brief comments on papers are of significant utility in and of themselves. Joseph Cooper's comment outlines an interesting distinction between the Federalists and the Anti-Federalists from the perspective of the desirability of rationality and information (the Federalist position) as opposed to a pluralistic system based on passion and numbers (the Anti-Federalist position). Carol Weiss cogently and realistically points out the multiple functions of information in political institutions and emphasizes the fact that information is often more important as ammunition than for edification. Jodie Allen provides members of Congress with three useful rules of thumb for evaluating information: learn the rudiments of analysis, don't believe everything you read, and seek out all sides of an argument.

Information processing in the core technology of Congress, and a number of authors casually point out that as information and communications technologies change, they affect the way in which Congress does its work. What is missing is a more sophisticated analysis of the link between contemporary information technology applications and congressional activity. Similarly, although the title links information and power, little is said about the linkage other than the oft repeated phrase that "knowledge is power." Ernest May baldly asserts that "Knowledge and power are reciprocals" (p. 169), but then goes on to point out that knowledge is an alternative to raw power.

There are enough scattered gems in this book to warrant a quick scanning and selective reading, but it will not provide either full knowledge about Congress or power over it.

STEPHEN E. FRANTZICH
U.S. Naval Academy

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Health Care Politics, Policy, and Distributive Justice: The Ironic Triumph *by Robert P. Rhodes. Albany, State University of New York Press, 1992. 339 pp. Paper, $16.95.*

In this book, Robert Rhodes discusses health politics and policy making in the United States. The first section, "Modern Miracles, Hard Choices," discusses normative questions of justice in the distribution of health care resources. The second, lengthier section on "Health Care Politics in America" describes the political institutions and persons involved in the process of health policy making.

Chapter One sets the stage for later discussions, introducing Rhodes's concept of the "Ironic Triumph": while the tremendous amount of resources poured into medical care in the last several decades has allowed medical advances that alleviate suffering and prolong life, the distribution of these resources has left millions of Americans with no health insurance coverage, and advances in medical care have led to difficult choices about how long to prolong life, what kinds of medical treatments to fund, and which groups of citizens should get priority over others for medical treatment.

In Chapter Two, Rhodes discusses concepts of access to medical care. He rejects the notion of a right to equal access to care as inappropriate and suggests instead that justice demands that rationing of resources be based on a principle of optimizing health. Resources should be devoted first to those activities that reduce morbidity and mortality the most. Chapter Three reviews some common analytic concepts and techniques used in policy analysis, such as cost-benefit analysis, and suggests how these might be useful in applying his distributive principle to choices among policy options.

The next two chapters in this section discuss the particular distributive questions raised by technology and by competing resource demands of different groups of potential recipients of resources. Rhodes focuses in particular on the choice between the young and the old in allocation decisions. The concluding chapter in this section presents a more general discussion of the political context of and distributive justice problems inherent in resource rationing decisions.

In the second section of the book, Rhodes discusses the politics of health policy. He begins with a discussion of the consequences of the constitutional framework within which policy is made in this country. Rhodes goes on to discuss the various lobbying groups involved in the health policy-making process, as well as the role of Congress and the bureaucracy. He devotes an entire chapter to the politics of the budgetary process and two chapters to medical liability issues.

The strength of Rhodes's book is the breadth of coverage of issues related to the distribution of health care resources. In addition to considering the political process by which these resources are distributed, Rhodes considers the normative questions of how resources should be distributed. He draws on the literature of American politics, political philosophy, public policy analysis, and health politics and policy.

Rhodes's decision to cover a wide range of topics in this book means that the

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depth of coverage of some topics is limited. The major argument of the book could be strengthened by better tying together the arguments in the separate sections and chapters.

This book would be a good text to introduce advanced undergraduate political science students to health policy issues. It could also be used in introductory graduate courses to introduce students of general public policy to health policy issues or to introduce students with familiarity with health policy issues to political science approaches to health politics.

ANNE LENHARD REISINGER
Columbia University

The Journalism of Outrage: Investigative Reporting and Agenda Building in America *by David L. Protess et al. New York, Guilford Press, 1991. 301 pp. $30.00.*

For the authors of this book, investigative journalism is not just carried out by reporters on topics of reasonable importance to the public that others are trying to conceal; it is "the journalism of outrage . . . a form of storytelling that probes the boundaries of America's civic conscience" (p. 5).

The empirical heart of the book consists of six case studies of investigative reports of respectively: an NBC "News Magazine" report of fraud and abuse in the federally funded home health care program; a *Chicago Sun-Times* series on the reporting and prosecution of sex crimes; a Chicago television station report about repeatedly brutal police officers; the same station's report of toxic waste disposal practices at the University of Chicago; a "60 Minutes" investigation of international child abductions; and a *Philadelphia Inquirer* series on profiteering by kidney dialysis clinics. Research methods involve detailed interviews with the journalists, public officials, and interest group leaders involved, as well as pre- and poststimulus measurements of public opinion and reactions to the reports. Thus each story's genesis, investigation, preparation, and impact is systematically reported for each case study.

Revealing in themselves, the case studies are more importantly used by the authors to demolish what they refer to as the "Mobilization Model." This comes in two forms: the traditional view that investigative reporting leads to public outrage and demands for reform, which in turn inspire governmental action; and the more contemporary, pluralist version, which replaces the public by organizations with a stake in the controversy.

In the authors' more realistic and sophisticated model, the transactions between journalists and policy makers is central. They show that most of their investigative reporting cases achieved the three aspects of agenda building: priority, meaning a story has moved onto the policy-making agenda; pace, meaning policy makers addressed the problem with relative speed; and particularity, meaning the investi-

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gative reporting had effects on the content of the policy initiative. Once on the policy agenda, the issues achieved policy outcomes. These ranged from deliberative (hearings) and individualistic (firings) to in most cases substantive (legislative, regulatory, administrative change). "These policy developments . . . clearly occurred independently of either manifest changes in public opinion or interest group pressures" (pp. 244–45). Indeed, reform proposals were often announced before complete publication of the investigations. Moreover, public officials were neither reactive nor defensive about the accusations of wrongdoing, treating them rather as policy opportunities. The public was present mainly as a force in the minds of policy makers when they were developing their collaborative media strategies.

The conventional wisdom the authors destroy is something of a straw man. Most of the cases involve or stem from Chicago (the authors all are or were at Northwestern University). The definition of investigative reporting deployed and thus the case studies included may skew the results by excluding modest efforts by lone reporters employed by small media outlets, who go about their work unconnected with public officials. Nonetheless, this is an illuminating, lucid, and compelling work.

DAVID L. PALETZ
Duke University

Dismantling the Cold War Economy *by Ann Markusen and Joel Yudken. New York, Basic Books, 1992. 314 pp. $25.00.*

This book is three-fourths economic and social history, and one-fourth policy prescription. I found the former more satisfactory than the latter. The book details the growth of the military-industrial complex after World War II. The authors focus on the aerospace, communications, and electronic (ACE) industries that receive most of the Department of Defense's prime contract awards. Markusen and Yudken trace the evolution of a separate corporate culture oriented toward the production of high-technology products in small quantities for a single customer. They review the growth of the major defense contractors and the increasing concentration of industries such as shipbuilding on defense orders. A second major theme is the linkage among universities and other research centers, defense acquisition planners, and weapons producers, who combine to control the allocation of research and development funds and set for the United States a de facto industrial policy promoting winners and—by omission—creating losers. Much of the above will be familiar to readers of Jacques Gansler's *The Defense Industry* or Seymour Melman's many books. But the material is presented fairly and in a lively style that engages the reader's attention.

A second major theme is the location of the defense industry. Here the arguments Markusen has previously presented are repeated. The new centers of de-

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fense production—such places as Southern California, Seattle, Dallas-Forth Worth, central Florida, and New England—differ from the traditional manufacturing centers of the Midwest. The authors reject the facile assertion that this resulted from simple politics and instead present a complex and multifaceted argument on why the defense centers sprang up where they did.

The last part of the book is prescriptive. It first reviews past efforts at economic conversion, most of which have failed. The authors then argue for a strategy rooted in making improvements in the environment (broadly defined), health, and the community. This is to come about not only through the reinvestment of the peace dividend in programs to improve conditions in those areas, but also through a top-level governmental focus on evaluating all policies in terms of their impacts on environment, health, and community.

Markusen and Yudken represent the liberal, activist approach to economic conversion, as compared with the more conservative, laissez-faire approach to conversion presented by Murray Weidenbaum in Chapter 3 of his recent study, *Small Wars—Big Defense.* Their book raises important issues of social and economic policy that deserve to be debated. Even one who fundamentally disagrees with the authors will learn much from their discussion of attempts to involve workers, community leaders, and corporate executives in planning for economic conversion. Those modest prior efforts—rarely successful so far—are the prototypes for much larger efforts to orchestrate conversion, if legislative activity so far this year is any guide.

R. WILLIAM THOMAS
Congressional Budget Office

Controlling and Ending Conflict: Issues Before and After the Cold War *edited by Stephen J. Cimbala and Sidney R. Waldman. Westport, CT, Greenwood Press, 1992. 285 pp. $49.95.*

The ten conference papers included in this intriguing volume serve as a valuable, if somewhat depressing, reminder that the end of the cold war has not resolved a number of the more intractable problems of the nuclear age. Despite American hopes for a new world order, military conflict remains commonplace; and the problem of limiting and terminating war continues to be crucial—particularly because nuclear-armed states not only continue to exist but are likely to proliferate.

While the contributors to *Controlling and Ending Conflict* gamely tackle important aspects of this subject from a variety of angles and perspectives, taken as a whole this work labors under two obvious handicaps. The first is a common one of conference volumes: the essays comprising the book do not build upon each other in any self-conscious fashion or cover all the relevant issues, and a

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number of them lack the length required to do justice to the topics they address. As a consequence, the volume tends to be more suggestive than definitive, richer in provocative questions and tantalizing insights than in fully argued explanations or fully structured theories. The second limitation is an inevitable consequence of the rapid pace of events since the 1990 conference for which these papers were initially prepared: while the underlying theoretical issues addressed by the contributors remain after the cold war as before, many of the practical concerns associated with controlling and ending conflict have been significantly affected by recent developments.

Notwithstanding these limitations, *Controlling and Ending Conflict* is worth reading for at least three reasons. The first of these is the insight it provides into the role that belief systems and language used in conceptualizing conflict play in determining capacity to control and terminate violence. While not explicitly developed, this theme implicitly runs through a number of the essays; theoretically-inclined readers will not have much difficulty in developing a general overarching argument for themselves. Paul Davis, in his brief chapter on behavioral factors affecting decisions to escalate, highlights some of the relevant political psychology literature and sketches some interesting scenarios in which standard cognitive processes and particular beliefs might be important. William Martel notes how different images of the nature of deterrence logically lead to quite different policies for the building of the new world order, particularly with regard to nuclear proliferation. In his excellent (though, to be sure, dated) analysis of shifting Soviet military doctrines in the 1980s, Raymond Garthoff explores the roots of Soviet thinking about war and the process by which beliefs changed; this piece is complemented nicely by James Tritten's review of Soviet definitions of the nature of war and his brief analysis of a few of the implications of these definitions for naval conflict. Leon Sloss provides a roughly parallel examination of competing U.S. concepts of nuclear deterrence and their implications for policy and, by inference, for the controllability of war.

The second reason this volume is worth reading is Paul Bracken's provocative discussion of the complex relationship between military conflict and the state as self-interested institution. Bracken focuses on impediments to efforts to limit or terminate war that derive from the institutional characteristics of the state, both in terms of its internal organization and in terms of its relations with its subjects. War, he observes, is a struggle to preserve the basic identity, structure, and capacity of the state; limitation of war must be understood in this context.

The third good reason for reading this book is Roy Licklider's research into civil war termination. While this research is reported more fully elsewhere, the essay in this volume summarizes a number of key questions and findings regarding the conditions under which violent civil challenges to, or attempts to seize control of, existing state institutions can be defused. Recent events in Eastern Europe make this examination extraordinarily timely.

Despite the clear evidence of active research and progress in theory building

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presented in this volume, in the end the pessimism engendered by *Controlling and Ending Conflict* is two-fold. In the first place this work highlights the extent to which we are prisoners of our beliefs and of our institutions—and the extent to which these beliefs and institutions may prove obstacles to rational limits on violence. In the second place it underscores how much we still need to learn about the nature of the bonds our beliefs and institutions impose upon us.

EDWARD RHODES
Rutgers University

The Catholic Church and the Politics of Abortion: A View From the States *edited by Timothy A. Byrnes and Mary C. Segers. Boulder, CO, Westview Press, 1992. 193 pp. Softcover, $35.00.*

The struggle over abortion in America remains deeply divisive. When the Supreme Court signaled its willingness to accept restrictions on abortion in its 1989 *Webster* decision, the issue was thrown into the laps of state legislatures. This timely volume represents a major attempt to understand the dynamics of abortion politics in the states in the wake of that decision (and it includes a fine article on the Pennsylvania statute recently upheld by the Court).

While focused on the role of the Catholic Church in state battles, this work speaks broadly to questions of federalism, religion and politics, and pressure group politics. Unusually coherent for a reader, it is rich in detail about the complex factors that produce divergent state outcomes. Included are articles on New Jersey, Florida, Illinois, Pennsylvania, Louisiana, Connecticut, and New York, along with broader background pieces.

The editors' choice to include only states with large Catholic populations kept the book tightly focused. Unfortunately, it excluded such notable states as Utah and Idaho, where Mormon and evangelical pressure was presumably decisive in passage of restrictive abortion statutes. Still, one learns much about the politics of abortion generally because the Catholic Church remains such a key actor.

What the book lacks generally, however, is a comprehensive analysis of themes that weave through the articles. A careful reading suggests the following lessons:

First, the image of a monolithic Catholic approach on abortion is a myth. In some states bishops threatened excommunication for deviating Catholic politicians; in other states they consciously rejected that posture. Actual lobbying also differed widely, from Louisiana, where Catholics pushed for a virtual ban; to Pennsylvania, where notification and waiting restrictions became the focus; to Connecticut, where church leaders amazingly joined pro-choice advocates in crafting a generous abortion statute as a substitute for an older draconian law. Approaches varied, too, from highly visible pressure politics in Florida to the quiet diplomacy of Cardinal Joseph Bernardin in Illinois (who convinced the

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Cook County hospital to resist offering abortions with the argument that the cost would reduce support for trauma, nutritional services, and AIDS treatment).

Second, the Catholic Church emerges as a strategic actor, accepting political compromise in order to gain partial victories. This produced tensions with fundamentalist Christian allies, who were inclined to go for the purest legislation. In Connecticut it even produced criticism within Catholic circles that church lobbyists were giving away the store.

Third, differing political contexts heavily influenced the church and its success. Church officials made little headway in New Jersey, where public opinion is strongly pro-choice; and in Florida, where Governor Bob Martinez's maladroit handling hurt the cause. In Louisiana, by contrast, the political culture is so heavily pro-life that the debate centered on whether or not to allow exceptions for rape and incest. In several states legislators themselves dominated the agenda.

Finally, re-federalizing abortion policy has produced enormous political fallout. As contributors note, *Webster* opened party fissures, stripped politicians of protective shields, and undermined the personally-opposed-but logic employed by Catholic legislators looking for cover. In one of the most penetrating pieces, James Kelly suggests that *Webster* will sunder the alliance of fiscal conservatives and moral traditionalists. He concludes that only one of the three strands of opposition to abortion—the Catholic "seamless garment" approach—holds a "long-range hope for any satisfactory social and cultural resolution" of the conflict (p. 153). Overall this book represents a major contribution.

ALLEN D. HERTZKE
University of Oklahoma

America's Constitutional Soul *by Harvey C. Mansfield, Jr. Baltimore, The Johns Hopkins University Press, 1991. 236 pp. $25.95.*

Like many Americans, Harvey Mansfield, Jr. thinks the Constitution could be a good thing if only it were properly understood and interpreted. Judges, his fellow political scientists, and historians are among those Mansfield faults in this collection of essays and occasional pieces for failing to comprehend "America's constitutional soul." Given Mansfield's Straussian reading of the Constitution, it will hardly come as a surprise that most academics fail the test; Ronald Reagan and George Bush, on the other hand, pass it with flying colors. Mansfield's take on the Constitution is thus in opposition to most of the discussion occasioned by the recent bicentennial, and his refreshing refusal to accept the standard pieties makes his essays worth reading—even if, in the end, one does not find oneself persuaded.

The essays collected in this volume range from postmortem ruminations on the

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elections of the 1980s to theoretical pieces on the nature of the Constitution. Teachers of constitutional law or history will profit from reading "Political Science and the Constitution," the collection's introductory essay; it would be difficult to find a clearer or more succinct account of the ways in which changing academic and judicial fashions have given us readings of the Constitution that rob it of any consistent meaning. And Mansfield's commentaries on the 1980s elections have something to tell us as well; erudite and partisan, they are also informed by a keen sense of how American politics works (or fails to work). His 1988 remarks on the difficulties George Bush would face as president—"the perils of pragmatism" (p. 69)—have worn especially well.

As a critic of his peers and an observer of the American scene, Mansfield is superb, and his essays are a delight to read. But Mansfield's ambitions take him well beyond the role of critic; he wants to tell us what the Constitution is, not simply that others have misunderstood it. Here, few but his fellow Straussians will follow him, if only because the practical applications of his views turn out to be decidedly conservative. Thus, in "Pride and Justice in Affirmative Action" Mansfield begins, correctly, by noting that "Affirmative action is perhaps the most interesting policy issue of our day because it best reveals how we understand our Constitution" (p. 84). On policy grounds alone, Mansfield concludes, affirmative action is not desirable; moreover, and more importantly, by attempting to "close the gap between the ideal and reality" and so evade the problems posed by "our central ideal, the right of consent" (p. 94), it is contrary to the underlying spirit of the Constitution. For, Mansfield assures us, "The gap between the ideal and reality was deliberately planned and fixed in our Constitution," and so affirmative action, even though it may not run afoul of any specific constitutional provision, "is unconstitutional because it undermines the basic principle of our Constitution" (p. 97).

To Mansfield, affirmative action is both an unmitigated wrong and a symptom of a larger disease that is eating away at America's constitutional soul—populism. As he sees it, populism's "aggressive informality is fundamentally opposed to all constitutionalism" (p. 200). Infecting both the right and the left, this is by far the most dangerous of all the threats to the Constitution Mansfield identifies. If the diagnosis is correct, the Constitution as he would have us understand it is in decidedly serious trouble, for populist informality, strongly rooted in late twentieth-century American culture, shows no signs of disappearing. Mansfield has his remedies for this: strong doses of political theory for those who ought to understand the Constitution better than they do and a healthy measure of self-reliance for Americans too inclined to rely on government. But one wonders how practical they are. Still, Mansfield is out to provoke as much as to cure, and in this he succeeds very well indeed.

HERBERT SLOAN
Barnard College

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Government Is Good: Citizenship, Participation and Power *by Joseph Freeman. Columbia, University of Missouri Press, 1992. 138 pp. Cloth, $29.95; paper, $12.95.*

Case studies are hot among students of urban politics—just when direct contact with the city fades from many parts of our increasingly ex-urban society. The best known studies report on worlds entirely foreign to most readers: childhood in a rough Chicago housing project (Alex Kotlowitz), the great black migration as one family experienced it (Nicholas Lehman), a street-level view of drugs and poverty in New Haven (William Finnigan).

Joseph Freeman brings an entirely different kind of experience to the genre. He has been a city council member, mayor, and political science professor in a small southern city; his case is designed to show us that local government is nothing like "the back corner of the hardware store . . . mere nuts and bolts" (p. 3). It is "more like nerves and guts" (p. 131). Freeman tells how and why in a story that is rich, rambling, moving, thoughtful, and frequently exasperating.

At its best, *Government Is Good,* offers wonderful snapshots of city politics. Freeman describes the funeral of a popular cop and city council member. The crowded church was full of police but not their rivals, the firemen. Afterward, the funeral cortege made its way through a driving rain. As the procession passed Firehouse Number Three, "there they were, the uniformed firemen, standing at attention in the rain" (p. 23). Freeman juxtaposes this funeral with another, that of two black city workers killed in a flash fire. The result is a keen reflection on civil ceremony, racial separation, and street-level bureaucrats.

Or consider the plaques that are inevitably affixed to municipal buildings. It turns out they cost several hundred dollars apiece, though no one ever even thinks to complain about unnecessary expense. Has any political scientist ever addressed the etiquette of reading one's name on such a plaque? After all, you cannot just march up and stare. "The accepted practice is to siddle up and look obliquely." What you are looking for is not just correct spelling but the "tacit political messages in the arrangement of the names or the size of the letters" (p. 30).

Yet, for all its richness and verve, the book often seems a beat off. It reads like an overheard conversation—snippets in an unclear context with bits of detail missing. Freeman begins his anecdotes in the middle, works casually back to the beginning, interrupts to muse about larger meanings, repeats the quotations he favors (often many times), then goes onto something else without filling us in on the outcome of the story. When he leads a delegation to the municipal bond rating agencies in New York, we get a description of carpets, clocks, clothes, and what he thought of (and in) the bathroom. But how, we want to know, did the rating come out? The book does not say.

The disorientation is magnified by an almost complete absence of names. The characters are all "H" or "J" or "P." When a group from the city visits the Federal Reserve Board, we read about "the chairman" with his "familiar mass media trademark . . . cigars" (p. 59). The purpose of the trip was to commemorate "one

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of our city's most notable and politically powerful native sons, . . . a leading light in the creation of the agency we were visiting" (p. 57). Why not just say Paul Volcker and Senator Carter Glass?

The gaps and stops and starts are no accident. Freeman draws on his reading of Edmund Husserl as much as on his memories of political life. The result is a self-consciously Cartesian rumination. His analytic convictions lead him to shun any authoritative perspective or voice. Instead, Freeman wants to "apprehend the inner sense of what doing the activity [governing] is about" (p. 4). The elusive nature of this text comes from a phenomenologist's conviction about the subjective nature of perception. Here, in short, is a talented raconteur held hostage by his own contempt for traditional narrative.

The book's greatest strength, however, lies precisely in the tales of political life in "Mountain City." The broader generalizations and conclusions are a decidedly mixed bag. Some are not worth the play they get: "Like archaic cephalopods dragging their misshapen shells across the floor of a primordial sea, we carry with us our personal histories . . ." (p. 55). Or: "Even politics and (flourish of trumpets, a lowering of voices a couple of octaves to impress everyone with the *seriousness* of it all) government decision-making are not the separable decisions of legend" (p. 20). Sorry, we do not need trumpets to hear that government decisions are willy-nilly political.

On the other hand, Freeman sometimes delivers sharp flashes of insight. Going from the restrooms on Wall Street to those at LaGuardia Airport gets him rewriting Thorstein Veblen: Conspicuous consumption no longer lies in expansive lawns: "it's rest rooms that indicate how much surplus a given institution can devote to pure amenity" (p. 63). Another reflection flows from the memory of a city councilman who kept bees and "optimistically," "quietly" wished for the same kind of cooperation and harmony in the city. "There can be great honor and achievement," comments Freeman, "in willingly subordinating oneself to the community which, itself would be less if we chose otherwise" (p. 24). Here, in an implicit view of classical, civil *virtu,* is where Freeman's heart lies. That view explains the book's title. It offers us a vision that makes this rambling, staccato nonnarrative coherent and sometimes wise.

JAMES A. MORONE
Brown University

Women's Movements in America: Their Successes, Disappointments, and Aspirations *by Rita J. Simon and Gloria Danziger. Westport, CT, Praeger Publishers, 1991. 184 pp. Paper, $34.95.*

The subtitle well describes what the book covers and aims to analyze. The book is not an analysis of social movements or of what makes women's movements distinct. Instead, it is designed as an historically oriented overview of American

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women's search for equality and of the various causes or movements they supported in order to reach that goal. It is rich in explanations of why and when some causes or activities succeeded and others failed. The book does a fine job of locating all these endeavors within the context of specific eras, showing how the overriding problems of one era (such as the abolition of slavery) delayed activities on behalf of women's rights, while the experiences gained during another period (such as the civil rights movement of the 1960s) facilitated efforts on behalf of equal rights.

The volume's three major chapters focus on two areas. Chapters Two and Three deal with women's search for equality in the public sphere; the third deals with the private sphere. The first major chapter focuses on women and politics. It begins with a discussion of women's battle to obtain the vote and why for so long it was difficult to mobilize the majority of women on its behalf. In this discussion as well as in subsequent ones, the authors draw our attention to two phenomena that seem to characterize many of the female reform movements: their support comes disproportionally from the ranks of well-educated, middle class sympathizers; and these groups' cohesion tends to disintegrate—breaking into subgroups with different agendas—once the immediate goal (suffrage in this instance) has been won. The chapter also surveys, although rather sketchily, the unsuccessful battle for the Equal Rights Amendment (ERA). Some of the authors' interpretations here and in other sections are quite cryptic and pay scant attention to the complexities of the issues and/or to alternate interpretations.

The second major chapter dealing with the public sphere addresses the history of women's struggle for equality and safety in the work place. Here the authors elaborate on a theme developed in the previous chapter, namely the ambiguity that surrounds the definition of "womanhood" and woman's proper role to this day. They note that much change has occurred during the past two centuries but that the old notion that women's true role consists of the nurture of spouse and children continues to hold much appeal in some sectors. Because many believe this task is of such overriding importance, it mitigates against the desirability of full time employment—let alone the pursuit of a career. The chapter analyzes a host of issues of importance to employed women. (Why, by the way, do the authors refer to them as "working" women [p. 49]?) Among the major conclusions they reach is that the work-related priorities of blue collar women often vary drastically from those of well educated white collar, especially professional women.

The third major chapter deals with the personal side of women's lives: marriage, family, and divorce. It reveals "that the women's movement has made profound changes in the way women and men view marriage, divorce, sexuality, children, and family" (p. 97). The authors give a very good historical account of the legal changes with respect to female property rights, grounds for divorce, birth control, and abortion.

The book is written in a clear, straight-forward style and is amply augmented by tabular materials, mostly from sample surveys, documenting change over

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time. For readers who have some acquaintance with the topic, especially for feminists, much of it will no doubt be familiar and some analyses—like the interpretation of the women's movement of the 1960's—too simplistic and perhaps even too one-sided and/or nontheoretical. For readers and students to whom this is their first introduction to the historical development of women's struggle for equality, the book offers a good solid brief overview—albeit written from a specific perspective. It strongly advocates that future efforts need to concentrate on issues with broad appeal for men and women from all walks of life (such as affordable child care) and to refrain from "the rhetoric so often adopted by feminists in the past" (p. 145). This is a well researched introduction to the topic and should encourage many, especially the novice, to read further, which is what any good introduction hopes to accomplish.

ROBERTA S. SIGEL
Rutgers University

Governing the Family: Child Care, Child Protection, and the State *by Nigel Parton. New York, St. Martin's Press, 1991. 251 pp. $35.00.*

This book can be read at several levels: as a case study describing the reaction to a service crisis; as a description of the emergence of new social policy; as a reflection on an emerging shift in the balance between public and private spheres of life; and as a comment on the changing role of the professional social worker in Great Britain. At each level, the author informs and illuminates. An additional facet, perhaps more a function of this reader's interests than of the author's intent, is the illustration of the extent to which the emerging policy toward children in general has followed paths first developed concerning children with disabilities and their families—for example, concern that entering the service system not become stigmatizing, use of respite care to offer relief to families, the importance of parental decision making in the nature and extent of services. In effect, it makes the special regular, a welcome development nicely illuminated in a thoughtful book.

ALAN GARTNER
City University of New York

The Tet Offensive: Intelligence Failure in War *by James J. Wirtz. Ithaca, NY, Cornell University Press, 1992. 290 pp. $34.95.*

The final phase of the Vietnam conflict began early in 1958, when North Vietnam began infiltrating ex-southerners down the Ho Chi Minh trails. In 1961, President

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John F. Kennedy responded to South Vietnam's appeal by increasing military aid and American advisers. (Just before his death, Kennedy began a planned withdrawal by ordering home the first 1,000 of the 16,500 then in Vietnam.)

President Lyndon B. Johnson increased the advisers to over 25,000, and in February 1965 he ordered the bombing of North Vietnam. A few months later American ground forces were introduced. The North Vietnamese responded to the bombing by sending regular North Vietnamese troops into the war for the first time. Wirtz implies that the introduction of northern troops was a North Vietnamese initiative, while the bulk of the literature, which he ignores, concludes that North Vietnam introduced northern troops in response to the U.S. bombing.

As to strategy, one school of thought concluded that the United States should concentrate on protecting the villages. The other school was to use the American superiority in fire power and mobility (by helicopters) to hunt the enemy down. General William Westmoreland opted for the second strategy. By the fall of 1967, the main-force Viet Cong troops had been decimated. Westmoreland predicted that the war would be won in a very few months. Certain other observers, however, pointed out that the communist civilian cadres were intact and that they would recruit the next class of eighteen-year-olds and search for a new strategy.

Wirtz's book is an extraordinarily detailed analysis of, first, this new strategy and, second, the American failure to understand that strategy. As Wirtz describes it, the new communist strategy had three elements. In the past, both sides had agreed to cease-fire periods during holidays. The communists used these periods to resupply their forces, while the South Vietnamese used them to give as much as 50 percent of their troops home leave. So the first element of the new strategy was to attack during the Tet holidays.

Second, the communists launched an elaborate deception plan to suggest that the main offensive would be aimed at the Americans in their fire bases, such as the one at Khe Sanh. These attacks would be carried out by North Vietnamese regulars, some of them veterans of Dienbienphu, where the French had suffered their decisive defeat.

Third, the real offensive would be launched by Viet Cong units against the South Vietnamese troops garrisoning cities and other key points throughout South Vietnam—five of South Vietnam's six autonomous cities, twenty-seven of its forty-four province capitals, fifty-eight of its 245 district towns, and more than fifty hamlets. Wirtz then analyzes the American inability to see what the enemy intended. The Americans discovered that an offensive was in the works. But they assumed it would come either just before the Tet truce or just after. Westmoreland became convinced that the North Vietnamese would try to repeat their victory at Dienbienphu by attacking the American fire base at Khe Sanh. He decided that the planned Viet Cong attack on the cities was only a diversion.

Wirtz analyzes both the North Vietnamese plans and the American effort to counter them in exquisite detail. As Wirtz describes it, the Tet offensive was a short-term failure but a long-term success. His book is a valuable addition not

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only to our knowledge of the Vietnam conflict, but of the pitfalls facing an intelligence effort to divine an enemy's plans.

ROGER HILSMAN
Columbia University

Cambodia, Pol Pot, and the United States: The Faustian Pact *by Michael Haas. Westport, CT, Praeger 1991. 128 pp. $37.95.*

This brief work is a political tract thinly disguised as a study in political science. Its focus is a list of ten "myths" related to America's Cambodian policy; its purpose appears to be more to bash Washington for the sheer joy of it than to advance knowledge of recent events in Cambodia. At $37.95 for 128 pages of text it is also a bit pricey.

For the life of me, I can not see Faust as a metaphor for the United States in Cambodia. Regardless of what one might think of U.S. policy there (or of Cambodia itself for that matter) the United States did not sell its soul to Pol Pot in exchange for knowledge or power. If anything, the opposite became the case: there the United States was, with little power and less knowledge. To castigate the United States during the Khmer Rouge years, the point to be made is abrogation of leadership, U.S. failure in international commitment to prevent holocausts wherever they appear. A better metaphor is Munich: the turning away from evil in a spirit of hope and mood of cynicism.

In the three central chapters—"Creating the Khmer Rouge," "Sustaining the Khmer Rouge," and "Marginalizing the Khmer Rouge,"—much is made (also by the publisher's blurb) of the great fog of misinformation and disinformation hanging over Cambodian history, a Rashomon condition in which truth has many faces, all incomplete or wrong. In fact, there never was much ambiguity or doubt about the nature of Pol Pot and his Khmer Rouge. During the war there was a steady flow of data on the Khmer Rouge from a dozen intelligence agencies, including the Swiss. From the beginning of Year Zero and the evacuation of Phnom Penh, Sydney Schanberg reported in *The New York Times*, and the French press gave even greater detail. The truth was always there for those who cared to look.

In listing his ten myths Haas has identified most central issues to be addressed by future historians writing on Cambodia. It is not a complete list, however. To it should be added: the myth that Pol Pot did not have a social vision, and the myth that the young Khmer supported him through the years purely because they were terrorized. Most importantly we need to explore this thesis: having intervened, with the self-appointed mission to put things right in Cambodia, the United States should have stayed the course; and had it done so the holocaust would have been forestalled.

For the further irritation of the reader seeking knowledge about the Pol Pot

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years, Haas's "myths" are dressed up in pseudo intellectual academic garb. (What kind of political science thesis is this: "Nixon's imagination went out of control"?) The whole is set in a frame of methodology called options analysis—criteria for assessing scenarios and policies in foreign policy making—which is mostly pontificating the obvious. It may appeal to the comparativist, but not to cultural relativists for whom politics of any society grows from its own peculiar soil of historical experience and cultures and hence is one of a kind.

One final carp. The author employs a strange nonacademic method of giving sources. "To protect my sources I use sequential numbers," he says. This consists of two pages of names in the appendix and code numbers scattered throughout the text; but the reader has no way of knowing which number applies to which name. Protect whom, and why?

Final judgment: this book on myths of Cambodia is itself a myth that does not contribute to understanding the present unfolding Cambodian peace process.

DOUGLAS PIKE
University of California, Berkeley

Gender and International Relations *edited by Rebecca Grant and Kathleen Newland. Bloomington, Indiana University Press, 1991. 176 pp. Cloth, $42.50; paper, $15.95.*

All academic disciplines are gendered, but international relations (IR) in particular has resisted the now extensive feminist critiques of androcentric knowledge/power. By exploring how gender shapes and is shaped by IR, this book—one of the first available (some chapters previously appeared in *Millennium*)—is a very welcome and valuable contribution.

In their too brief introduction, Grant and Newland identify gender as "a prime element" in IR; the "social construction of masculinity in Western thought" (p. 5) is particularly problematic in IR's conflation (as extreme masculinity) of *Realpolitik* practitioners and rational "man" archetypes. Fred Halliday illuminates how IR's institutional, professional, and disciplinary practices render women invisible; he urges the study of both how gender affects IR and how international processes have gender-specific consequences.

Feminists have painstakingly documented gender bias in political science's definitions of human nature, citizenship, power, and politics. Rebecca Grant takes these points further by targeting constructions specific to IR: sovereign man, the security dilemma, and IR's categorical separation of domestic-international and private-public moralities.

In a very accessible chapter, J. Ann Tickner also looks at disciplinary foundations. She exposes the masculinism in Hans Morgenthau's six principles of political realism—principles that continue to shape the socialization and self-understanding of IR students. But she also recasts the principles through a feminist lens, suggesting how IR, especially its definitions of power and security,

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can be instructively reconceptualized. Advocating an "alliance" between "neoliberal institutionalism" and "feminist standpoint," Robert Keohane explores how the latter (in contrast to feminist post-modernism) might contribute to IR theory through gender-sensitive reconstructions of IR's core concepts (p. 47). He initiates that process by anticipating feminist reconfigurations of power, sovereignty, and reciprocity.

Opening a new line of inquiry, Maxine Molyneux considers how international factors—communist/Marxist traditions and feminist movements—have shaped policies of socialist states toward women. The "demise of the Soviet model" has had mixed consequences for women, affording insights on the tension between conservative and radical resolutions of the "woman question" (p. 51). This tension also surfaces when Carol Miller reviews British interwar debates on appropriate international roles for women. A politics of equality (of citizens, of humans) was subordinated to pragmatic gains through a politics of women's "special" (maternal, moral) capacities.

An extremely rich essay by Caroline Moser elaborates gender planning: a development approach that takes gender-differentiated roles and needs seriously. Clarifying categories, strategies, and policy approaches, Moser provides a succinct, insightful, and informative map of gender and development issues. Kathleen Newland also looks at Women in Development (WID), focusing on how it emerged as a transnational nongovernmental phenomenon and how its shift to intergovernmental (UN) forms altered possibilities for women's global solidarity.

In the most epistemologically informed essay, Anne Marie Goetz addresses the contradictions at the core of contemporary feminist theorizing: how do we take the category of women as a starting point but not as a given? Through an examination of WID policies, Goetz carefully articulates the trade-offs of various compelling positions, arguing for relentless critical reflection on women's positionality without abandoning political action.

Hinted at but unnamed in this book is the contradiction between feminist epistemology and positivist IR. Through a positivist lens, objective science is uninfluenced by gender; feminism is reduced to adding women, that is, adding the category of sex and presumably correcting otherwise good science. By denying gender the status of an analytic category (denying the feminist claim that science is gendered), positivism denies the possibility of feminist epistemology.

Problematically then, to the considerable extent that IR is positivist, acknowledging gender is limited to adding women. To the extent that positivism is masculinist, resistance to feminist *and* nonfeminist postpositivism is fueled in part by resistance to a perceived feminization of epistemology. While adding women to IR is a long overdue and extremely valuable corrective, taking gender seriously entails epistemological and political transformations of even greater consequence for the world(s) we "know." Happily, this book gets us started.

V. SPIKE PETERSON
University of Arizona

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Russia Beyond Communism: A Chronicle of National Rebirth *by Vladimir Krasnov. Boulder, CO, Westview, 1991. 355 pp. Softcover, $35.00.*

This philippic is by a former Soviet citizen born in Perm and educated at Moscow University, who, after defecting to Sweden, became a U.S. citizen in 1976 and received a doctorate from the University of Washington and now serves as director of the Russian Studies Program at the Monterey Institute of International Studies. It is not an analysis of the important and vexing question of Russian nationalism. Such analyses exist, most notably that of John Dunlop, whom the author cites approvingly. Instead, what we are offered is a timely but stylistically underachieving and ultimately self-defeating polemic aimed at those who would scare us with the specter of Russian nationalism.

Accusing the accommodationist "left-liberal" media and academic establishments of continuing the dirty work of the KGB by equating communism with progress and anticommunism (understood as Russian nationalism) with fascism and anti-Semitism, the author challenges us to rethink what he feels are our misconceptions about Russian nationalism. Wrongly denounced as the greatest danger should *perestroika* fail, Russian nationalism in the author's view is the one ideology that holds out the possibility of delivering the peoples of the Soviet empire nonviolently from communism. Shorn of the chauvinism and anti-Semitism espoused by vastly overinflated marginal extremist groups (such as Pamyat), true "Russites" are patriots offering a "third way" between socialism and capitalism, East and West, that represents the only way to avert "apocalypse." Behind this rhetoric reminiscent of certain religiously inspired Russian thinkers of the nineteenth and early twentieth centuries is the reality of Boris Yeltsin's victorious 1991 rebirth-of-Russia presidential campaign, which the book in a way anticipated and might well have illuminated, but does not.

The book is, moreover, not really a book. Rather, it is comprised of a 1988 speech the author already published celebrating Aleksandr Solzhenitsyn's 1973 "Letter to the Soviet Leaders," whose main points are recapitulated, along with those of Solzhenitsyn's 1990 pamphlet "How to Rebuild Russia" (chapter one); a survey of twelve articles by Soviet intellectuals that are outside the framework of Marxism-Leninism and thus said to represent "genuine new thinking," in contrast to the Gorbachevian variety (chapter two); a continuation of the survey into 1989 (chapter three); a summary of a public debate between a "supposed Russian nationalist" and a "supposed liberal Westernist," with the author's commentary (chapter four) showing the common ground; and an account of what the author sees as the cultural infrastructure needed for the Russian rebirth. Additionally, the author has chosen to reprint three other brief articles of his own as appendices. The disjointed result is a partisan and partial intellectual history of Russia past and present directed at portraying Solzhenitsyn and his defenders as liberal nationalist saviors partaking of a long and venerable tradition. In over 350 pages on the way toward a refurbished "Russian idea,"

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nary a word is uttered about property relations, laws, investment, or social programs.

STEPHEN KOTKIN
Princeton University

Correction: The last sentence of the last paragraph on page 65 of Louis Bolce, Gerald De Maio and Douglas Muzzio's article, *Blacks and the Republican Party: The 20 Percent Solution*, (*PSQ* Spring 1992: 63–79) should have read: Similarly, Susan Welch and Lorn Foster, using Joint Center for Political Studies (JCPS) data, reported that higher SES blacks were less supportive of welfare policies.

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Reference Books and Other Publications of Interest Received

Census Catalog and Guide: 1992 *issued by the Department of Commerce. Washington DC, Bureau of the Census, 1992. 288 pp. Paper, $17.00.*

The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties *edited by Patrick T. Conley and John P. Kaminski. Madison, WI, Madison House, 1992. 542 pp. $39.95.*

Dictionary of Polling: The Language of Contemporary Opinion Research *by Michael L. Young. Westport, CT, Greenwood Press, 1992. 266 pp. $55.00.*

International Efforts to Combat Money Laundering *edited by W. C. Gilmore. Cambridge, England, Grotius Publications, 1992. 355 pp. Paper, $91.00.*

Open Secrets: The Cash Constitution of Congress *compiled by Larry Makinson. Washington DC, Congressional Quarterly Inc., 1992. 363 pp. Paper, $30.95.*

Open Secrets: The Encyclopedia of Congressional Money and Politics, second edition *compiled by Larry Makinson. Washington DC, Congressional Quarterly Inc., 1992. 1339 pp. $136.00.*

Political Leaders of Contemporary Africa South of the Sahara: A Bibliographical Dictionary *edited by Harvey Glickman. Westport, CT, Greenwood Press, 1992. 361 pp. $65.00.*

Roots of the Republic *edited by Stephen L. Schechter. Madison, WI, Madison House, 1992. 464 pp. $32.95.*

Roosevelt Research: Collections for the Study of Theodore, Franklin and Eleanor *by DeeGee Lester. Westport, CT, Greenwood Press, 1992. 194 pp. $55.00.*

The Washington High Bench: A Biographical History of the State Supreme Court, 1889-1991 *by Charles Sheldon. Pullman, Washington State Press, 1992. 396 pp. Cloth, $35.00; paper $25.00.*

Wickliffe Rose of the Rockefeller Foundation: 1862-1914 The Formative Years *by Roy M. Acheson. Cambridge, England, Killycarn Press, 1992. 99 pp. $17.50.*

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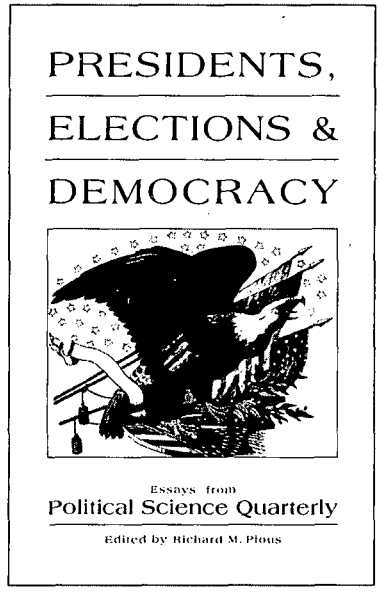

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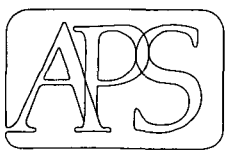

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